



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1065 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.ci.newton.ma.us

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: February 13, 2020
Subject: Materials for **February 26, 2020** Public Hearing

Hello,

Please see the following supplemental materials for the upcoming hearing on February 26, 2020 Public Hearing. The following board members are scheduled to sit:

Brooke Lipsitt (Chair), Stuart Snyder, Barbara Huggins Carboni, Michael Rossi and Treff LaFleche.

1. February 26, 2020 Agenda
2. Appeal for 129 Grasmere Street (#02-20) filed on January 17, 2020
3. Appeal for 1058 Beacon Street (#03-20) filed on February 5, 2020

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1060 Fax: (617) 796-1086
www.newtonma.gov

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

AGENDA

A public hearing of the Newton Zoning Board of Appeals will be held on Wednesday, February 26, 2020 at 7:00 p.m. in the City Council Chambers, Room 207, Newton City Hall, 1000 Commonwealth Avenue, Newton Centre, Massachusetts on the following petitions:

- #02-20** Marry Grassmere Realty, LLC of 55 Washington Street, Newton, Massachusetts, pursuant to M.G.L. c. 40A, § 8, and 15, appealing the December 17, 2019 Notice of Zoning Violation issued by the Commissioner of Inspectional Services based on the existence of illegal apartments at 129 Grasmere Street. The Appellant contends that the violation order and decision of the Commissioner of Inspectional Services was improperly issued. The subject property is located at 129 Grasmere Street, Newton, Massachusetts, and consists of a 6,947 square foot lot. This property is located in a Single-Residence 3 District.
- #03-20** Zhao Wen Huang and Woon Tin Huang of 1062 Beacon Street, Newton, Massachusetts, pursuant to M.G.L. c. 40A, § 8, and 15, appealing the January 7, 2020 issuance of a building permit by the Commissioner of Inspectional Services for construction of a two-family dwelling at 1058 Beacon Street, Newton, Massachusetts. The Appellants contend that the building permit was improperly issued. The subject property consists of a 31,150 square foot lot and is located in a Multi-Residence 1 District.

Newton Tab

**February 12th &
February 19th, 2020**

**Adrianna
Henriquez**

**Board
Clerk**

The location of this meeting is wheelchair 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/Sec. 504 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.

City Clerk Date/Time Stamp

ZBA Date/Time Stamp

**CITY OF NEWTON
ZONING BOARD OF APPEALS**

**CHECKLIST COVER PAGE
FOR ADMINISTRATIVE APPEAL**

To be completed by Staff: Project No.: Petition No.:

PROPERTY LOCATION: 129 Grassmere ST DATE: Jan 17, 2020

PETITIONER: Mary Grassmere Realty LLC

ADDRESS: 16 Peter Harrington 505 Waltham St Newton MA 02465

PHONE: 617 558 7722 EMAIL: PFH@harringtonandmartins.com

POINT OF CONTACT: _____

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPEAL APPLICATION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR APPLICATION AS THE FIRST PAGE.

APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED

DOCUMENTS

ENCLOSED
(checked by Petitioner)

CONFIRMED
(checked by Clerk)

Application for Administrative Review Form (15 copies)

✓

Application Fee

✓

Decision/Order being appealed

✓

Statement of Reasons

✓

Reference to Zoning Ordinance

Electronic Copy

✓

CITY OF NEWTON
ZONING BOARD OF APPEALS

APPLICATION FOR ADMINISTRATIVE APPEAL

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME: MARRY GRASSMERE REALTY LLC
ADDRESS: c/o P F HARRINGTON 505 WALTHAM ST NEWTON MA 02465
PHONE: 617 558 7722 EMAIL: PFH@HARRINGTONANDMARTINS.COM

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: 129 GRASSMERE ST
ZONING DISTRICT: SR 3 PROPERTY SBL NO.: 71030 0006
OWNER OF RECORD: MARRY GRASSMERE REALTY LLC
RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
owner

APPEAL INFORMATION

1. What decision are you appealing - is it an inability to obtain a building permit, the issuance of a building permit, an order or decision of the Commissioner of Inspectional Services or a zoning violation?

Decision of the Commissioner, copy attached as Exhibit 1

Date of decision: December 17, 2019

(A copy of the decision, order, permit or notice being appealed must be included)

2. State the basis or grounds for contesting the decision, providing any information that you feel will aid the Board in its review of your appeal:

see attached Notice of Appeal

3. Identify and describe all supporting documents being submitted with this appeal:

- 1) Commissioner's Decision
- 2) Deed
- 3) Health Department Records
- 4) additional documents will be provided upon request or as needed.

4. State all sections of the Newton Zoning Ordinance implicated in the appeal:

3 Family home on single Family zone.

5. Explain why you are aggrieved by the decision being appealed:

owner believes property is existing nonconforming structure
owner is not aware that Building permits were needed to do work - there are no specific complaints in Building Commissioner's letter

6. What outcome do you request if your appeal is granted?

Building Commissioner's decision be overturned or modified as set out in attached document

PETITIONER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

I (we) consent and certify as follows:

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to insure the completeness of my (our) application;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X Mary Grace Realty LLC Jan 17, 2020
(Petitioner Signature) (Date)

X by Peter Harrington, Atty for LLC Jan 17, 2020
(Petitioner Signature) (Date)

If Applicable:

Name of Attorney/Agent for Applicant: Peter Harrington

Address of Attorney/Agent: 505 Waltham St

Phone Number of Attorney/Agent: 617 558 7722

Email Address of Attorney/Agent: ph@harringtonandmontus.com

**CITY OF NEWTON
ZONING BOARD OF APPEALS**

NOTICE OF APPEAL

Now comes Marry Grassmere Realty, LLC, with an address of 55 Washington Street, Newton, MA 02458, and claims an appeal from a decision of the Inspectional Services Department, dated December 17, 2019 with reference to property at 129 Grassmere Street, Newton, MA.

1. The decision of the Inspectional Services Department is set forth in a letter dated December 17, 2019, a copy of which (2 pages) is attached hereto, marked Exhibit 1 and incorporated herein by reference.
2. The Appellant says that said 129 Grassmere Street was purchased by the Appellant's predecessor on August 30, 1979. A copy of the purchase deed is attached hereto, marked Exhibit 2 and incorporated herein by reference.
3. The Appellant further says that at the time of the purchase, the property contained 3 apartments.
4. The Appellant further says that at the time of the purchase of the property, the City of Newton Health Department inspected said property on September 4th, requested certain work be completed and on September 13th issued an Occupancy Permit, with the knowledge that the building contained 3 apartments. See attached documents (4 pages) marked Exhibit 3 and incorporated herein by reference.
5. The Appellant further says that at the time any work was done on the property, the Appellant was not aware that a Building Permit was required.
6. The Appellant further says that if a Building Permit was required for work done by owners of the property prior to August 30, 1979, copies of the applications, permits and inspections have been lost by the City of Newton.

The Appellant asks that if the Board determines that the Appellant is required to obtain Building Permits for work done by previous owners, that the Appellant's obligation be limited to showing that the work done conformed to the terms and requirements of the then building code.

The Appellant asks that if the Board determines that the Appellant is required to obtain Building Permits for work done by the Appellant, that the Appellant's obligation be limited to showing that the work done conformed to the terms and requirements of the then building code.

By its Attorney



Peter F. Harrington, Esq., Harrington & Martins
505 Waltham Street
West Newton, MA 02465
617-558-7722
pfh@harringtonandmartins.com
January 17, 2020

EXHIBIT 1

City of Newton



Ruthanne Fuller
Mayor

Inspectional Services Department

John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
Telephone: (617) 796-1060
Fax: (617) 796-1086
www.ci.newton.ma.us

Building/Zoning Inspectors
(617) 796-1060
Zoning Board of Appeals
(617) 796-1065
Plumbing and Gas Division
(617) 796-1070
Electrical Division
(617) 796-1075
TDD/TTY
(617) 796-1089

NOTICE OF VIOLATION

Craig Edsall – Zoning Enforcement Agent (617) 796-1063
cedsall@newtonma.gov

December 17, 2019

Marry Grasmere Rlty LLC
55 Washington Street
Newton, MA 02458

RE: 129 Grasmere Street

Dear Property Owner:

An inspection was conducted at your property, known as 129 Grasmere Street, Newton, MA on Friday, November 22, 2019. As a result of the inspection, along with a review of the property file, the following violations were observed:

Violations at 129 Grasmere Street (Including but not limited to)

- **Illegal apartments**
- **Construction without building permits**
- **Inadequate means of egress**
- **Plumbing and electrical work done without permits**
- **Inadequate smoke and carbon monoxide detectors and/or lack of Fire Department approvals**

The City of Newton Revised Zoning Ordinances, Section 7.9.1 (b) Violations, mandates an inspection of a property under investigation for a zoning violation (alleged), and directs the issuing of a Notice of Violation for confirmed infringements.

780 CMR State Building Code Violations

Section 105.1 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing

*Strict code enforcement makes the city safer
Before buying, renting or leasing check zoning*

system, the installation of which is regulated by this code, or to cause any such work to be done, **shall first make application to the building official and obtain the required permit.**


Remedies: Vacate illegal unit bedrooms and remove all beds and remove all illegal elements or vacate illegal units and bedrooms and remove bedding and submit application for accessory apartment and secure all required permits to build additional kitchen and approved second means of egress per state building code. Apply for and secure all required permits, inspections and approvals.

Penalties: Massachusetts General Law Chapter 143 Section 94 (a). Whoever violates any provision of the state building code, except any specialized code as described in section ninety-six, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense.

Right of Appeal: Massachusetts General Law Chapter 143 Section 100 (a). Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except any specialized code as described in section ninety-six, may within forty-five days after the service of notice thereof appeal from such interpretation, order, requirement, direction, or failure to act to the Massachusetts State Building Code Appeals Board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee as said appeals board may determine.

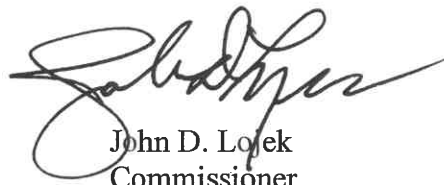
Failure to comply within thirty (30) days of receipt of this notice may result in a criminal complaint being filed in Newton District Court.

Respectfully,



1063

Craig Edsall
Zoning Enforcement Agent



John D. Lojek
Commissioner

EXHIBIT 2

18:30-79 PM J.S.S. STONE **1225

BK 13777 PG 412

low 12.25

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 19

I, Margaret B. Cline

of Newton, Middlesex

County, Massachusetts

for consideration of Eighty-six Thousand (\$86,000) Dollars paid, grant to George Marry, Nadja Marry, Mark Marry and Helen Marry, as joint tenants

of 55 Washington Street, Newton with QUITCLAIM COVENANTS

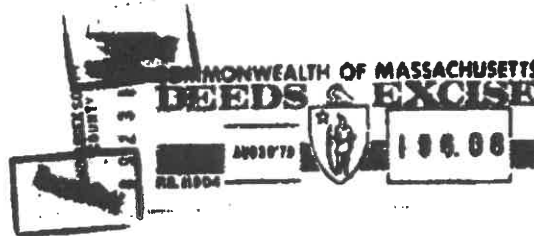
including The Land in Newton, Massachusetts

All of my right, title and interest in the land in Newton, Massachusetts, with the buildings thereon, being shown as Lot 1 on a Plan of Land made by E.S. Smilie, Surveyor, dated December 28, 1891, duly recorded with Middlesex South District Registry of Deeds, Book 2119 End, bounded and described as follows:

- SOUTHEASTERLY On Grasmere Street, 60 feet;
- SOUTHWESTERLY On land now or formerly of French and Linder, as shown on said plan, 120 feet;
- NORTHWESTERLY On land now or formerly of Hardor, as shown on said plan, 55.84 feet; and
- NORTHEASTERLY On Lot 2 on said plan, 119.95 feet.

Be any or all of said measurements more or less.

Being the same premises conveyed to me by Marvin G. Cline by deed dated February 14, 1979 and recorded with the Middlesex South Registry of Deeds in Book 13673, Page 166.



Witness my hand and seal this 30th day of August, 1979.

Margaret B. Cline
Margaret B. Cline

The Commonwealth of Massachusetts

Middlebury

Then personally appeared the above named and acknowledged the foregoing instrument to be

per Margaret B. Cline August 30 1979
free and deed, before me

Stephen A. Sawyer
Notary Public

My commission expires

F. 1. 2

1979

EXHIBIT 3

City of Newton, Massachusetts
Health Department
Tel. No. ~~244-4700~~ Ext. 240

7063
55 707058



T E M P O R A R Y
O C C U P A N C Y P E R M I T

Location of Property: 129 Gasmore St
Name of Owner/Agent: George Manly
Address of Owner/Agent: Mark Manly
Telephone Number: _____

This certifies that the above listed premises may be temporarily occupied until the date of expiration listed below. This temporary permit is issued in accordance with the Revised Ordinances of the City of Newton, Article XIII, Chapter 2, Section 2-102A. The City of Newton does not make any guarantee or warranty as to the conditions of the building and assumes no liability therefor.

Date Issued: 9-4-79
Date of Expiration: 10-4-79

Susan K. Lombard
Authorized Signature
Newton Health Department

CITY OF NEWTON
HOUSING INSPECTION REPORT

ADDRESS 129 Gramere St.

OWNER George Marry DATE OF INSPECTION 9-4-79

OCCUPANT: Mark Marry + Helen Marry TIME OF INSPECTION 11⁰⁰ AM

APPLICABLE
REGULATION

CONDITIONS CONSTITUTING VIOLATIONS

Back steps need protective railing and handrail
Step into door needs repairing making sure space
is filled.
Third floor apartment needs ~~and~~ exit

George Marry

May each violation, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public?

YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control?

YES NO
I can't determine

Date of Follow-Up Inspection _____

Time of Follow-Up Inspection _____

Susan K. Lentman
Name of Inspector

CITY OF NEWTON
HOUSING INSPECTION REPORT

ADDRESS 129 Gramere St
OWNER George Marry DATE OF INSPECTION 9-13-79
OCCUPANT Mark Marry TIME OF INSPECTION 2:30 pm

APPLICABLE
REGULATION

CONDITIONS CONSTITUTING VIOLATIONS

Units are in satisfactory condition

Do any of the above violations, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public?

YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control?

YES NO
I can't determine

Date of Follow-Up Inspection _____

Time of Follow-Up Inspection _____

Steven K. Laubma
Name of Inspector

OCCUPANCY PERMIT

LOCATION OF PROPERTY: 129 Grasmere St.
NAME OF OWNER/AGENT: George Marry
ADDRESS OF OWNER/AGENT: Mark Marry
PHONE NUMBER: _____

7
7

This certifies that the above listed premises have been found fit for human habitation and conform to the Massachusetts State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation. The City of Newton does not make any guarantee or warranty as to the conditions of the building inspected, nor does the city assume any liability in the inspection or certification of compliance.

APPLICABLE
REGULATION

LEAD INFORMATION: READINGS NEGATIVE
 NO CHILDREN UNDER 6
DATE ISSUED: 9-13-79
Susan K. Santman
AUTHORIZED SIGNATURE
HEALTH DEPARTMENT

THIS PERMIT IS VALID FOR TWO YEARS FROM DATE OF ISSUE.

X George Marry

May each violation, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public? YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control? YES NO
I can't determine

Date of Follow-Up Inspection _____
Time of Follow-Up Inspection _____

Susan K. Santman
Name of Inspector

RECEIVED

2020 FEB -5 PM 4:57

CITY OF NEWTON
ZONING BOARD OF APPEALS

CITY CLERK
NEWTON, MA 02459

INSTRUCTIONS FOR FILING ADMINISTRATIVE APPEALS

PLEASE READ THESE INSTRUCTIONS BEFORE SUBMISSION

1. Appeals of an order or decision of the Commissioner of Inspectional Services must be filed with the Clerk of the Zoning Board of Appeals (the "Board") within 30 days from the date of the order or decision being appealed.
2. Before filing an appeal, you must first complete the Checklist Cover Page and Appeal Application form included with these instructions. These two forms must be fully and correctly completed and the Appeal Application must be signed by the petitioner(s). If the Appeal Application does not provide adequate space for your response, please attached additional sheets of paper. All documents must be typed or written legibly. You must include a copy of the order or decision being appealed with your Appeal Application, as well as all other supporting documentation, including but not limited to plans, photographs and affidavits. All materials must be on 8 1/2" x 11" paper. In total, you will need an original and sixteen(16) copies of your Appeal Application, as well as an electronic copy. As set forth below, the original will be filed with the City Clerk, fifteen copies and the electronic copy will be filed with the Board Clerk and one copy must be delivered to the Commissioner of Inspectional Services.
3. Failure to submit all required information is grounds for denial of the appeal and/or delay of the public hearing. Petitioners should contact the Board Clerk at least 48 hours before filing to schedule a time to file their appeal with the Clerk in person. It is also recommended that petitioners contact the Clerk to schedule a preliminary review prior to your intended filing date to ensure your Appeal Application is complete. The Board Clerk may be reached at the Planning Department in City Hall, 1000 Commonwealth Avenue and by telephone at 617-769-1120.
4. When filing your appeal, the first step is to bring your completed Checklist Cover Page and your original completed Appeal Application to the City Clerk's Office for filing. The City Clerk will date time-stamp the Checklist Cover Page and provide you with a stamped copy. Next, you will need to file twelve (12) copies of your Appeal Application, along with the Checklist Cover Page (bearing the date time-stamp of the City Clerk) with the Clerk of the Board. Upon receipt of the filing, the Board Clerk will also date time-stamp the Checklist Cover Page. The date of filing is the date time-stamped on the Checklist Cover Page by the Board Clerk.
5. At the time of filing the appeal with the Clerk of the Board, you must also submit the required filing fee of \$400.00. All filing fee checks must be made payable to the "City of Newton." Appeals that are not accompanied with the filing fee will not be accepted.
6. An electronic copy of the Appeal Application (in identical form to the paper filed version) must also be submitted the same day in PDF format, via email to the Board's Clerk or on a USB flash drive. A complete copy of the Appeal Application must also be delivered to the Inspectional Services Department.
7. The appeal will be heard by the Board in accordance with the applicable provisions of the Newton Zoning Ordinance, G.L. c. 40A and the Board's Rules and Procedures.

IMPORTANT: THESE INSTRUCTIONS ARE INFORMAL IN NATURE AND ARE NOT INTENDED TO BE COMPLETE. IT IS THE RESPONSIBILITY OF ALL PETITIONERS TO REVIEW AND FOLLOW ALL APPLICABLE LEGAL REQUIREMENTS SET FORTH IN THE BOARD'S RULES & PROCEDURES AND GENERAL LAWS CHAPTER 40A.

CITY OF NEWTON
ZONING BOARD OF APPEALS

**CHECKLIST COVER PAGE
FOR ADMINISTRATIVE APPEAL**

| | | |
|---------------------------|--------------|---------------|
| To be completed by Staff: | Project No.: | Petition No.: |
|---------------------------|--------------|---------------|

PROPERTY LOCATION: 1058 Beacon Street DATE: February, 2020

PETITIONER: Zhao Wen Huang and Woon ting Huang

ADDRESS: 1062 Beacon Street

PHONE: (617)880-3418 EMAIL: Mcorner@riemerlaw.com

POINT OF CONTACT: Mark W. Corner, Esquire

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPEAL APPLICATION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR APPLICATION AS THE FIRST PAGE.

APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED

DOCUMENTS

ENCLOSED
(checked by Petitioner)

CONFIRMED
(checked by Clerk)

Application for Administrative Review Form (15 copies)

✓

Application Fee

✓

Decision/Order being appealed

✓

Statement of Reasons

✓

Reference to Zoning Ordinance

✓

Electronic Copy

✓

CITY OF NEWTON
ZONING BOARD OF APPEALS

APPLICATION FOR ADMINISTRATIVE APPEAL

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME: Zhao Wen Huang and Woon Ting Huang
ADDRESS: 1062 Beacon Street
PHONE: (617)880-3418 (counsel contact) EMAIL: mcorner@riemerlaw.com (counsel contact)

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: 1058 Beacon Street
ZONING DISTRICT: MR1 PROPERTY SBL NO.: 62004 0006
OWNER OF RECORD: Edward I. Shifman and MaryBeth Shifman
RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
Applicants are abutters/aggreived persons

APPEAL INFORMATION

1. What decision are you appealing - is it an inability to obtain a building permit, the issuance of a building permit, an order or decision of the Commissioner of Inspectional Services or a zoning violation?

Issuance of Building Permit 200101127

Date of decision: January 7, 2020

(A copy of the decision, order, permit or notice being appealed must be included)

2. State the basis or grounds for contesting the decision, providing any information that you feel will aid the Board in its review of your appeal:

1. The Subject Property has no frontage on Beacon Street. Sole access to the subject property from Beacon Street is by way of an easement over the Sudbury River Conduit. Use of this access would require the Owner to cross the Petitioners' property, which as reflected on the August 24, 1945 Plan submitted with this Application includes a portion of the Conduit. The Owner has no easement, deeded or otherwise, over the

Applicants' property.

2. The Owner's property has no frontage, as defined in the Zoning Ordinance. The Applicant is not aware of the Owner receiving a special permit or other zoning relief that would authorize construction on the Owner's property. Due to the absence of frontage, construction is not permitted as of right.

3. Identify and describe all supporting documents being submitted with this appeal:

1. Applicants' deed (June 4, 2004 - Middlesex South Registry Book 42976, Page 278) and related title documents
2. Owner's deed (August 13, 2013, Middlesex South Registry Book 62473, Page 43) and related title documents
3. August 24, 1945 Plan of Land depicting Applicants' parcel in relation to easement over aqueduct

4. State all sections of the Newton Zoning Ordinance implicated in the appeal:

Ordinance Sections 1.5.2 E and G (Lot Frontage and Rear Lot definitions), 3.1.10 (Rear Lot Dimensional Standards and requirement for Special Permit from the City Council), 7.3.4 (Special Requirements for Rear Lots in Residential Zoning)

5. Explain why you are aggrieved by the decision being appealed:

The Owner seeks to use a portion of the Applicants' property for access for construction, and presumably for use by private purchasers of the residences to be constructed on the Owner's property, without an easement or other legal right to pass over the Applicants' property.

6. What outcome do you request if your appeal is granted?

1. That the Owner's Building Permit be revoked pending issuance of a special permit of other required relief from the City Council or otherwise, due to the absence of frontage as defined in the Ordinance.

2. That the Building Permit be revoked and that any future building permit be conditioned upon the Owner being prohibited from unauthorized access from Beacon Street over the Applicants' property.

PETITIONER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

I (we) consent and certify as follows:

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to insure the completeness of my (our) application;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

x Zhaowen J
(Petitioner Signature)

2/5/20
(Date)

x Donnie Hong
(Petitioner Signature)

2/5/20
(Date)

If Applicable:

Name of Attorney/Agent for Applicant: Mark W. Corner, Esq.

Address of Attorney/Agent: Riemer & Braunstein LLP, 100 Cambridge Street, Boston, MA 02114

Phone Number of Attorney/Agent: (617) 880-3418

Email Address of Attorney/Agent: mcorner@riemerlaw.com



INSPECTIONAL SERVICES DEPARTMENT
 CITY OF NEWTON
 1000 COMMONWEALTH AVENUE
 NEWTON, MA 02459-1449
 617-796-1060

BUILDING PERMIT

JOB WEATHER CARD

| | |
|--------------------------|-------------------------------------|
| PERMIT # 20010127 | APPLICANT |
| Date Issued: 01/07/2020 | GARDEN CITY REAL ESTATE DEVELOPMENT |
| Permit Fee: \$0.00 | PO BOX 610341 |
| District Inspector: | NEWTON, MA 02468 |

| | |
|---|------------------|
| PROPERTY | OWNER |
| Location: 1058 BEACON ST NEWTON CENTER, MA 02459 | EDWARD I SHIFMAN |
| Zoning District: MR1 | 11 JOHN ST |
| SBL: 62004 0006 | NEWTON, MA 02459 |
| | (617) 633-7703 |

| | |
|---|---------------------------------|
| PURPOSE | |
| Construction of 2-family house. HERS rater Req'd | Estimated Cost: \$600000 |
| Approved By: _____ Inspectional Services Department | |

This permit conveys no right to occupy any street, alley or sidewalk or any part thereof, either temporarily or permanently. Encroachments on public property, not specifically permitted under the Building Code, must be approved by the jurisdiction. Street or alley grades as well as depth and location of public sewers must be obtained from the Department of Public Works. The issuance of this permit does not release the applicant from the conditions of any applicable sub-division restrictions.

PERSONS CONTRACTING WITH UNREGISTERED CONTRACTORS DO NOT HAVE ACCESS TO THE GUARANTY FUND

- Work shall not proceed until the inspector has approved the various stages of construction.
- Permit will become null and void if construction work is not started within six months of the permit Issue Date as noted above.
- Approved plans must be retained on job and this card kept posted until final inspection has been made. Where a certificate of occupancy is required, such building shall not be occupied until final inspection has been made.
- Where applicable separate permits are required for Electrical, Plumbing & Mechanical installations.

| BUILDING INSPECTION APPROVALS | PLUMBING INSPECTION APPROVALS | ELECTRICAL INSPECTION APPROVALS |
|-------------------------------|--|--|
| 1. | 1. | 1. |
| 2. | 2. | 2. |
| 3. | 3. | 3. |
| OTHER | HEALTH DEPARTMENT APPROVAL 617-796-1420 | FIRE DEPARTMENT APPROVAL 617-796-2230 |
| | | |

- Inspections indicated on this card can be arranged by telephone or written notification.
- It is the responsibility of the individual that obtains the permit to make arrangements for all inspections.

POST THIS CARD SO IT IS VISIBLE FROM THE STREET

REQUIRED INSPECTIONS FOR CONSTRUCTION

All plans approved and stamped by the City of Newton MUST be on site and accessible during all inspections. If these plans are not on site, inspections will not take place and a re-inspection fee will be assessed.

1) **EXCAVATION** (New House/Addition Only)

- BOTTOM OF HOLE
- NO FOOTINGS OR CRUSHED STONE

2) **PRIOR TO BACKFILL** (New House/Addition Only)

- FOUNDATION POURED AND COATED IF REQUIRED (AS-BUILT MAY BE REQUESTED)
- REMOVAL OF ALL ORGANIC MATERIAL (SLAB ON GRADE OR CRAWL SPACE)
- ELECTRICAL BONDING INSPECTION (IF REQUIRED)

3) **ROUGH** ****IN ORDER TO SCHEDULE A ROUGH INSPECTION, THE FOLLOWING ITEMS MUST BE COMPLETE****

- JOB MUST BE WEATHER TIGHT
- PLUMBING AND ELECTRICAL ROUGH INSPECTIONS (CARD SIGNED)
- ORIGINAL AFFIDAVIT FOR ANY ENGINEERED LUMBER OR STEEL (BASED ON A SITE VISIT FROM THE DESIGN ENGINEER)
- ORIGINAL AS-BUILT FROM LAND SURVEYOR (BASED ON A SITE VISIT)
- ALL FIRESTOPPING MUST BE COMPLETE
- F.A.R. CALCULATION AND/OR 1/2 STORY CALCULATION FROM ARCHITECT OR ENGINEER

4) **INSULATION**

- ALL INSULATION COMPLETE AND VAPOR BARRIER INSTALLED
- ALL VENTING MUST BE COMPLETE

5) **FINAL** ****IN ORDER TO SCHEDULE A FINAL INSPECTION, THE FOLLOWING ITEMS MUST BE COMPLETE****

- PLUMBING AND ELECTRICAL FINAL INSPECTIONS (CARD SIGNED)
- FIRE DEPARTMENT FINAL INSPECTION, WHEN REQUIRED (CARD SIGNED)
- FINAL SIGN-OFF FROM ENGINEERING, PLANNING, CONSERVATION, HISTORIC AND HEALTH DEPARTMENT (WHEN REQUIRED)

**** A FINAL INSPECTION IS REQUIRED FOR ALL BUILDING PERMITS ****

SCHEDULING - WHEN READY, CALL THE DISTRICT INSPECTOR DIRECTLY THE DAY THE INSPECTION IS NEEDED BEFORE 8:00 A.M. TO SCHEDULE AN INSPECTION TIME.

| | |
|-----------------|----------------|
| ALAN GIFFORD | (617) 796-1066 |
| BUDDY LAMPLOUGH | (617) 796-1069 |
| | |
| PAUL GILBERT | (617) 796-1088 |

Note: All mechanical equipment, (i.e.) A/C compressors, pool equipment or back-up generators are **NOT** allowed to be in the required setback for your property.

Noise Ordinance: Construction activity must comply with the City's Noise Ordinance. In general, construction noise may be generated only during the hours listed below. Refer to Newton Revised Ordinances, 2012, Sec. 20-13 (www.newtonma.gov/gov/legal/ordinances.asp) for additional details and restrictions.

Monday - Friday 7 AM - 7 PM
Saturday 8 AM - 7 PM
Sunday & Holidays Not permitted except by permit approved by the Mayor



I Want To ... [Forms](#) [Contact Us](#) [Home](#)

| PROPERTY INFORMATION | | | |
|--|-------------------------|------------------|------------------|
| SBL | 62004 0006 | # Of Unit | 1 |
| Parent ID | | Status | A |
| Address | 1058 BEACON ST | | |
| City/State/Zip | NEWTON CENTER, MA 02459 | | |
| Property Legal Usage Activity All ALL PROPERTY | | | |
| OWNER INFORMATION | | | |
| Name | EDWARD I SHIFMAN | | |
| Address | 11 JOHN ST | | |
| City/State/zip | NEWTON, MA 02459 | | |
| LEGAL INFORMATION | | | |
| Section | | Map Book | 088SE |
| Township | | Map Page | |
| Range | | X Coord | 73577 |
| Block | | Y Coord | 29453 |
| Lot | | Lot Area | 31150.000 |
| Subdivision | | Frontage | 360 |
| SALES / ASSESSMENT INFORMATION | | | |
| Last Sale | 12-27-2012 | Amount | 800000 |
| Last Assessed | 01-01-2013 | Amount | 555500 |
| Millage | 0 | | |
| DISTRICT INFORMATION | | | |
| Zone Class | MR1 | Ward/Prec | |
| Zone Dist | | School Dist 1 | |
| Fire District | | School Dist 2 | |
| Flood Dist | | Impact Dist | 4 |
| Flood Elev | 0.00 | | |
| LEGAL No legal description for this property id USAGE | | | |
| BUILDING / UNIT INFORMATION | | | |
| SBL | 62004 0006 | Occupant | UNKNOWN |
| Building Extension | | Current Usage | |
| Building Address | 1058 BEACON ST | Status | Active |
| Property Address | 1058 BEACON ST | | |
| City/State/Zip | NEWTON CENTER, MA 02459 | Owner Name | EDWARD I SHIFMAN |
| Usage Classification | | Owner Address | 11 JOHN ST |
| Valuation | 0 | City/State/zip | NEWTON, MA 02459 |
| CONSTRUCTION INFORMATION | | | |
| Liveable Square Feet | 0 | Foundation Type | |
| Footprint Square Feet | 0 | Roof Type | |
| Buliding Volume | 0 | Roof Square Feet | 0 |

| | | | |
|-------------------|---|---------------|---|
| Building Height | 0 | Capacity | 0 |
| Stories | 0 | Front Setback | 0 |
| Units | 0 | Back Setback | 0 |
| Bedrooms | 0 | Left Setback | 0 |
| Bathrooms | 0 | Right Setback | 0 |
| Rooms | 0 | | |
| Construction Type | | | |

ACTIVITY

PERMITS

| Permit Number | Permit Type | Issued | Status |
|---------------|-----------------------------------|------------|--------|
| 20010127 | BUILDING PERMIT NEW RESIDENCE | 01-07-2020 | OPEN |
| 19060755 | BUILDING PERMIT NEW RESIDENCE | 07-17-2019 | CLOSED |
| 19060364 | BUILDING PERMIT | 06-14-2019 | OPEN |
| 16050688 | DEMOLITION OF A BUILDING - PERMIT | 05-18-2016 | CLOSED |
| 14100896 | FENCE PERMIT | 10-23-2014 | OPEN |
| 06060909 | ELECTRIC REMODEL RESIDENTIAL | 06-30-2006 | CLOSED |
| 1407-85 | BUILDING PERMIT | | CLOSED |
| 359-28 | BUILDING PERMIT | | CLOSED |

ZONING PROJECTS

| Project ID | Application Date | Project Type | Description |
|------------|------------------|--------------|-------------|
| 16060008 | 06-02-2016 | J2 | |
| 13040066 | 04-30-2013 | J | DEMO HOUSE |
| 19040031 | 07-09-1999 | O | |

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Bk: 42976 Pg: 278 Doc: DEED
Page: 1 of 3 08/04/2004 11:08 AM

1062 Beacon
8/4/2004

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 08/04/2004 11:08 AM
Ctrl# 030817 30590 Doc# 00142481
Fee: \$1,915.20 Cons: \$420,000.00

FD

QUITCLAIM DEED

(Property address: 1062 Beacon Street, Newton, Ma 02459)

WHOLE FOODS MARKET GROUP, INC., a Delaware corporation with its principal office at 601 North Lamar Blvd., Suite 300, Austin, Texas 78703, and with its Massachusetts office at 125 Cambridge Park Drive, Cambridge, MA 02140, for consideration paid of FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$ 420,000.00) grants to Zhao Wen Huang and Woon Ting Huang of 38 Walnut Street, Brookline, MA 02445

with QUITCLAIM COVENANTS

a certain parcel of land with the buildings thereon numbered 1062 Beacon Street in that part of Newton called Newton Centre, bounded and described as follows:

- Northerly by Beacon Street, thirty-nine and 95/100 (39.95) feet:
- Easterly by the Sudbury River Aqueduct one hundred thirteen and 58/100 (113.58) feet; and
- Southerly by Lot B on the plan hereinafter mentioned eighty-eight and 75/100 (88.75) feet; and
- Westerly by Cochituate Aqueduct by two lines seventy and 71/100 (70.71) feet and forty-three and 29/100 (43.29) feet.

Containing six thousand six hundred and four (6,604) square feet according to said plan.

Being shown as Lot A on a plan by William E. Leonard dated September 9, 1924, and recorded with Middlesex South District Deeds, Plan book 345, plan 2. The address of the premises is 1062 Beacon Street, Newton, Middlesex County, Massachusetts.

Subject to and with benefit of the perpetual right to pass over the so-called Sudbury Aqueduct currently owned by the Commonwealth of Massachusetts, said right of way being in the deed of William Connell to City of Boston dated August 17, 1877 and recorded at Middlesex S. Registry of Deeds at Book 1451, Page 14; and said right of way being restated in the deed of Alice C. Kneeland to Catherine Albce dated June 10, 1925, and recorded at Book 4854, Page 564.

Subject to a right appurtenant to and for the benefit of David E. Cohen and Henry A. Aconcia as Trustees of the Triple A Realty Trust, udt dated May 31, 1979, recorded at Middlesex S. Registry of Deeds at Book 13704, Page 177, by a deed dated June 1, 1979,

1062 Beacon St, Newton

RETURN:
FRANK W. DEWITT
81 ESSEX ST
BOSTON MA 02111

George C. Brown
Attest. Middlesex S. Register

recorded at Middlesex S. Registry of Deeds at Book 13704, Page 183 as the owner of said property numbered 916 Walnut Street, Newton, Massachusetts, for themselves, their tenants, and guests and invitees to pass over that portion of the premises (the "easement area") by vehicle and on foot on and within the existing sidewalks and existing driveway being approximately 30 feet in width and running between Beacon Street and the Cochituate Aqueduct and said building and land at 916 Walnut Street, Newton, Massachusetts, which aforementioned right is hereby granted and confirmed. Said grant is subject to the Triple A Realty Trust and its successors and assigns being solely responsible for the maintenance, repair, replacement, re-paving stormwater drainage, lighting, landscaping, and snow plowing within said easement area, and further subject to the Triple A Realty Trust and its successors and assigns indemnifying and holding harmless Zhao Wen Huang and Woon Ting Huang and their successors and assigns from any liability for personal injury or property damage which should occur within said easement area. The easement area's dimensions are as follows: easterly, approximately 50 feet; southerly, approximately 40 feet; and northwesterly, approximately 50 feet.

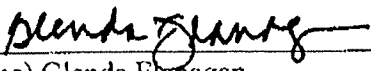
Subject to and with benefit of such other applicable easements, licenses, and restrictions of record, which may still be in force and effect.

For title, see deed dated August 13, 1997, recorded at Middlesex S. Registry of Deeds at Book 27577, Page 377.

This does not constitute all of the real property of WHOLE FOODS MARKET GROUP, INC., in the Commonwealth of Massachusetts.

Executed under seal by its duly authorized officer this 1 day of JUNE
_____, 2004

WHOLE FOODS MARKET GROUP, INC.



(name) Glenda Flanagan
(title) President & Treasurer



Bk: 62473 Pg: 43 Doc: DEED
Page: 1 of 2 08/16/2013 03:37 PM

DB-2

MASSACHUSETTS QUITCLAIM DEED

I/We, 1058 Beacon Street, Newton, LLC of 630 Boston Road, Billerica, Massachusetts 01821, for consideration paid, and in full consideration of ONE AND 00/100 Dollars (U.S. \$1.00) grant to Edward Shifman and MaryBeth Shifman, husband and wife, tenants by the entirety, of 130 Beethoven Street, Waban, Massachusetts 02468 with *quitclaim covenants* the following property in Newton, Middlesex County, Massachusetts.

The land in that part of said Newton called Newton Centre and bounded and described as follows:

Beginning at the stone bound on the Northwesterly corner of the granted premises at a point on the Easterly line of the Sudbury River Conduit at land now or formerly of Tierney, thence running

EASTERLY by land now or formerly of Tierney, 73.00 feet to a post on land now or formerly of Harbach; thence turning and running

SOUTHERLY by land now or formerly of Harbach, 360.00 feet to a point; thence turning and running

WESTERLY by a line parallel with the first described line and distant 360.00 feet Southerly therefrom, 100.00 feet; more or less to the Sudbury River Conduit, thence turning and running

NORTHEASTERLY on a curve by said Conduit 83.00 feet more or less, to a stone bound; thence continuing

NORTHEASTERLY in a straight line by said Conduit, 276.85 feet to the point of beginning.

CONTAINING 31,150 square feet, being the Northerly part of the premises shown on a plan of land in Newton, Mass., belonging to the heirs of Wm. Connell, made by E.S. Smilie, surveyed May 13, 1912 and recorded with Middlesex South District Registry of Deeds Plan 10 in Plan Book 206.

Together with a right of way to Beacon Street for all purposes over land now or formerly of the City of Boston, as described and reserved in a deed of William Connell to the City of Boston dated August 17, 1877 and recorded in Book 1451, Page 14.

The Grantor hereby certifies that Grantor is not classified as a corporation for federal tax purposes for the current taxable year.

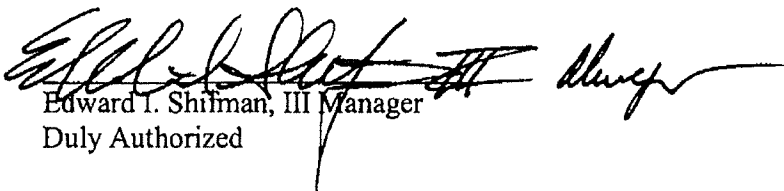
1058 Beacon St, Newton

Being the same premises as conveyed by deed recorded at Book 60835, Page 07.

Witness my/our hand(s) and seal(s) this 16 day of August 2013

1058 Beacon Street, Newton, LLC

By:


Edward I. Shifman, III Manager
Duly Authorized

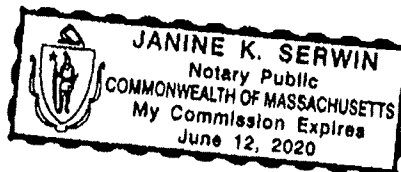
Middlebury
~~Newark~~, ss.

COMMONWEALTH OF MASSACHUSETTS

On this 16 day of Aug 2013 before me, the undersigned notary public, personally appeared Edward I. Shifman, III Manager of 1058 Beacon Street, Newton, LLC, proved to me through satisfactory evidence of identification, which was/were [] Mass. driver's license(s) or [] _____, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public: ~~William P. Apostolico~~
My Commission Expires: ~~3/1/2018~~

PROPERTY ADDRESS: 1058 Beacon Street Newton, Massachusetts 02459





2012 00285190

Bk: 60835 Pg: 7 Doc: DEED
Page: 1 of 2 12/27/2012 01:36 PM

Q-H

FRANCESCO
ATTORNEY AT LAW
11200 CENTRAL AVENUE
NEWTON, MASSACHUSETTS 02459

QUITCLAIM DEED

I, Nancy A. Falco Chedid, an unmarried woman, of Newton, Middlesex County, Massachusetts, for consideration paid of Eight Hundred Thousand Dollars (\$800,000.00), grant to 1058 Beacon Street, Newton, LLC, a Massachusetts limited liability company, having a principal place of business at 630 Boston Road, Billerica, Massachusetts

with quitclaim covenants

The land in that part of said Newton called Newton Centre and bounded and described as follows:

Beginning at the stone bound on the Northwesterly corner of the granted premises at a point on the Easterly line of the Sudbury River Conduit at land now or formerly of Tierney, thence running

- EASTERLY by land now or formerly of Tierney, 73.00 feet to a post on land now or formerly of Harbach; thence turning and running
- SOUTHERLY by land now or formerly of Harbach, 360.00 feet to a point; thence turning and running
- WESTERLY by a line parallel with the first described line and distant 360.00 feet Southerly therefrom, 100.00 feet; more or less to the Sudbury River Conduit, thence turning and running
- NORTHEASTERLY on a curve by said Conduit, 83.00 feet more or less, to a stone bound; thence continuing
- NORTHEASTERLY in a straight line by said Conduit, 276.85 feet to the point of the beginning.

CONTAINING 31,150 square feet, being the Northerly part of the premises shown on a plan of land in Newton, Mass., belonging to the heirs of Wm. Connell, made by E.S. Smilie, surveyed May 13, 1912 and recorded with Middlesex South District Registry of Deeds, Plan 10 in Plan Book 206.

Together with a right of way to Beacon Street for all purposes over land now or formerly of the City of Boston, as described and reserved in a deed of William Connell to the City of Boston dated August 17, 1877 and recorded in Book 1451 Page 14.

Grantor hereby affirms under oath pursuant to Section 12 of Massachusetts General Laws Chapter 188, that the premises conveyed herein are not the principal residence of the grantor and no other person is entitled to the protection of Massachusetts General Laws Chapter 188.

Meaning and intending to convey the same premises described in deed recorded with Middlesex South District Registry of Deeds in Book 42653, Page 422. Loutfallah G. Chedid having died on January 8, 2012; see also death certificate recorded in Book 59725, Page 534.

1058 Beacon Street, Newton, MA

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 12/27/2012 01:36 PM
Ctri# 179786 06545 Doc# 00285190
Fee: \$3,648.00 Const: \$800,000.00

Signed and sealed this 9th day of OCTOBER 2012.

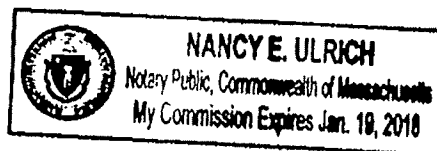
Nancy A Falco Chedid
Nancy A. Falco Chedid

COMMONWEALTH OF MASSACHUSETTS

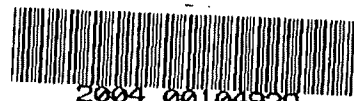
County: Middlesex

On this 9th day of OCTOBER 2012, before me, the undersigned notary public, personally appeared Nancy A. Falco Chedid proved to me through satisfactory evidence of identification, which were MA Driver's license, to be the person whose name is signed on the preceding document, and acknowledged that she signed it voluntarily for its stated purpose and further affirmed to me that the foregoing is truthful and accurate to the best of her knowledge and belief.

Nancy E. Ulrich
Notary Public
My commission expires:



*Rec'd to
Here I Surrender
10 Forbes Rd
Quincy ma 01884*



Bk: 42653 Pg: 422 Doc: DEED
Page: 1 of 2 04/30/2004 11:00 AM

QUITCLAIM DEED

We, Nicholas R. Pasquarosa and Sally M. Pasquarosa of Newton, Middlesex County, husband and wife, as tenants by the entirety for consideration paid, and in full consideration of the sum of FIVE HUNDRED SEVENTY FIVE THOUSAND (\$575,000.00) DOLLARS grants to Nancy A. Falco Chedid and Loutfallah G. Chedid, Husband and Wife as tenants by the entirety, both of 67 Webster Street, Newton, Middlesex County, Massachusetts with quitclaim covenants the land in that part of said Newton called Newton Centre and bounded and described as follows:

NZ

Beginning at a stone bound on the Northwesterly corner of the granted premises at a point on the Easterly line of the Sudbury River Conduit at land now or formerly of Tierney, thence running

- EASTERLY by land now or formerly of Tierney, 73.00 feet to a post on land now or formerly of Harbach; thence turning and running
- SOUTHERLY by land now or formerly of Harbach, 360.00 feet to a point; thence turning and running
- WESTERLY by a line parallel with the first described line and distant 360.00 feet Southerly therefrom, 100.00 feet; more or less to the Sudbury River Conduit, thence turning and running
- NORTHEASTERLY on a curve by said Conduit, 83.00 feet more or less, to a stone bound; thence continuing
- NORTHEASTERLY in a straight line by said Conduit, 276.85 feet to the point of beginning.

CONTAINING 31,150 square feet, being the Northerly part of the premises shown on a plan of land in Newton, Mass., belonging to the heirs of Wm. Connell, made by E.S. Smilie, surveyed May 13, 1912 and recorded with said Decds, Plan 10 in Plan Book 206.

Together with a right of way to Beacon Street for all purposes over land now or formerly of the City of Boston,

1058 Beacon St, Newton

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001
Date: 04/30/2004 11:00 AM
Ctrl# 028137 06059 Doc# 00104929
Fee: \$2,622.00 Cons: \$575,000.00

as described and reserved in a deed of William Connell to the City of Boston dated August 17, 1877 and recorded in Book 1451 Page 14.

For our title see deed dated 12/14/71 and recorded with said Deeds Book 12127 Page 180.

Nicholas R. Pasquarosa
Nicholas R. Pasquarosa

Sally M. Pasquarosa
Sally M. Pasquarosa

The Commonwealth of Massachusetts

On this 29th day of April, 2004, before me, the undersigned Notary Public personally appeared Nicholas R. Pasquarosa and Sally M. Pasquarosa, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached documents and acknowledged to me that they signed it voluntarily for its stated purposes.

[Signature]

Notary Public
My Commission Expires:

Property Address: 1058 Beacon Street, Newton, MA 02459

RECEIVED & ENTERED
RECORDS & DEEDS
OFFICE OF THE
REGISTER OF DEEDS
SOUTHERN DISTRICT
ATTEST:

[Signature]
Notary Public



Lot designations refer to
 Middlesex Registry of Deeds
 Book 5509 Page 260
 Plan by William F. Leonard
 Dated Sept. 9, 1924

I hereby certify that this is the property referred to in my Title Letter dated August 23rd, 1945.

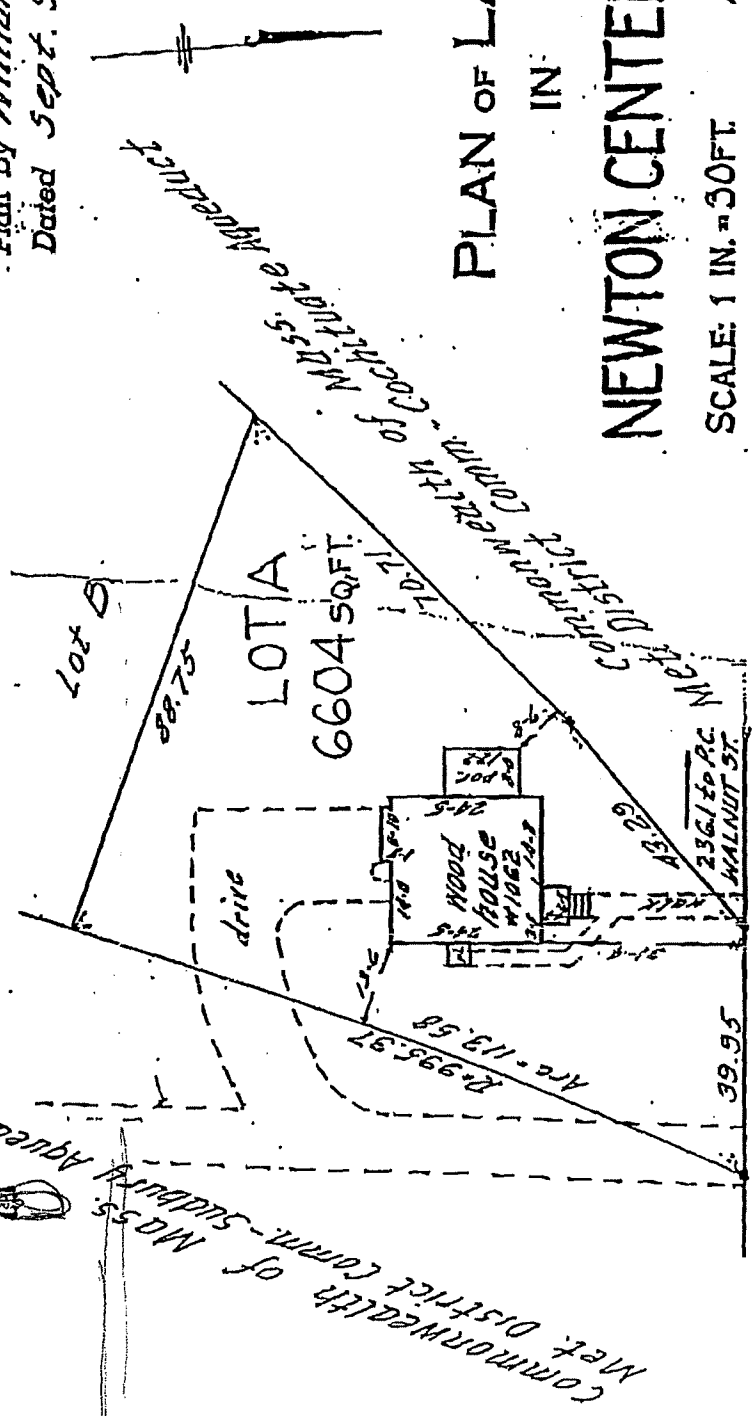
Thomas F. Donnelly
 Attorney.

PLAN OF LAND
 IN

NEWTON CENTER - MASS.

SCALE: 1 IN. = 30 FT. AUG. 24, 1945.

EVERETT M. BROOKS - CIVIL ENG.
 NEWTONVILLE - MASS.



BEACON ST.

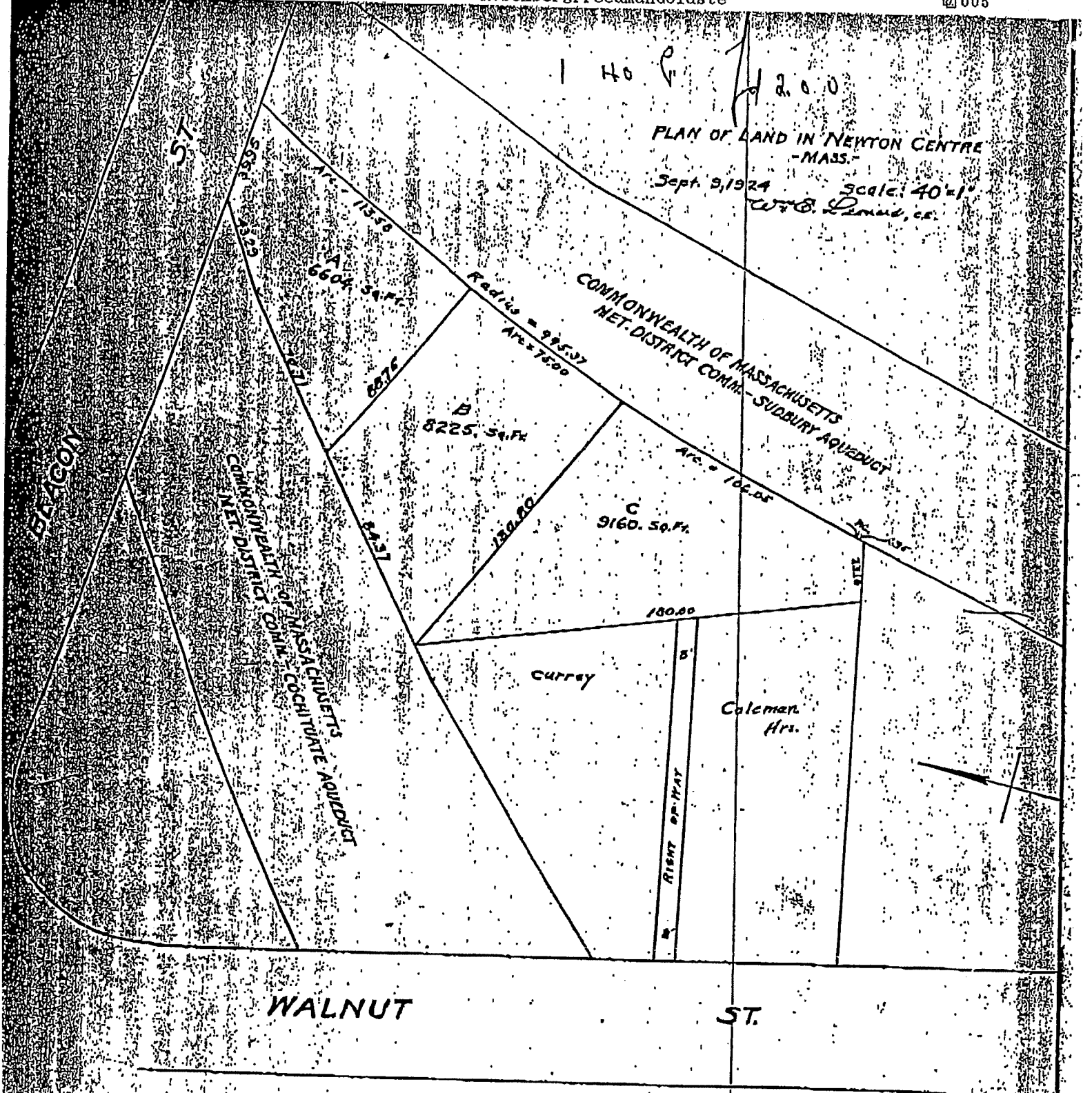
I hereby certify that the buildings on this property are located as shown above and complied with the building and zoning laws of the City of Newton when constructed.

Everett M. Brooks
 Surveyor

NOTE: This plan is not to be recorded.

PLAN OF LAND IN NEWTON CENTRE - MASS.

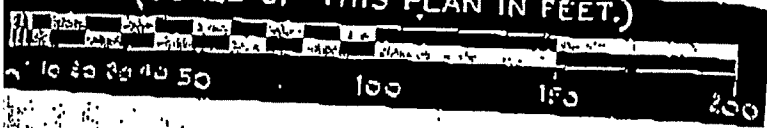
Sept. 9, 1924 Scale: 40' = 1" Wm B. Deming, C.E.



WALNUT ST.

ST.

(SCALE OF THIS PLAN IN FEET)



MIDDLESEX REGISTRY OF DEEDS, ISO DIST.

CAMBRIDGE, MASS.

COPY OF PLAN

Recorded OCT 10 19 24

In Plan Book 249 Page 2

Attest

William B. Deming
 Registrar