



CITY OF NEWTON, MASSACHUSETTS

City Hall

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www.ci.newton.ma.us

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: September 21, 2020
Subject: Materials for **September 23, 2020** Public Hearing

Packet 3

Hello,

Please see the following supplemental materials for the upcoming hearing on September 23, 2020, Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Michael Rossi, Stuart Snyder, and Treff LaFleche (Alternate)**

1. 129 Grasmere Street Argument for Relief from a Notice of Violation – Received September 21, 2020

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133

NEWTON ZONING BOARD OF APPEALS**ARGUMENT FOR RELIEF FROM A NOTICE OF VIOLATION****RE: 129 Grasmere Street****Docket # 02-20 129****Violations:**

The Petitioner is before the Board on an appeal of violations alleged by the Commissioner of Inspectional Services (Building Inspector). The Notice of Violation, dated December 17, 2019, Exhibit 1 (2 pages), lacks specificity and is not actionable.

Is this a complaint under the Zoning Ordinance or a complaint under the Building Code? What is the violation? For the purpose of identifying the violations in this matter, I suggest we review a series of case studies. See APPENDIX A, attached hereto.

Illegal Apartments It appears that the claim of illegal apartments is alleged to be a Zoning Ordinance violation, not a Building Code violation, as the Building Code deals with construction and safety issues and the Zoning Ordinance deals with the question of authorization.

It is the physical layout of the structure that forms the basis of the Complaint, not the use. Under the past and present zoning ordinances the owner could rent those rooms. It is changes in the Zoning Ordinance that gives rise to the complaint. Those changes relate to restrictions on the number of unrelated people that could occupy a house and a definition of an apartment or residential unit.

The rooms at 129 Grasmere Street are protected under Mass General Law c.40A, §7, 2nd paragraph, last sentence, and 3rd paragraph, 1st sentence, Exhibit 2 (3 pages), which protects structures in existence for ten years prior to a Notice of Violation.

There is clear evidence of the length of time of the existence of said condition and it shows that the violation, if any, occurred more than 10 years ago. The City of Newton issued an Occupancy Permit for three apartments at 129 Grasmere Street on September 13, 1979, Exhibit 3 (4 pages). Further, the Health Department required the Owner to install a second means of egress, repair steps, install a hand rail and railings before the permit was issued. This recognition cannot be lightly dismissed and, under the statute, precludes the instant Notice from being enforced against these structural changes.

The house at 129 Grasmere Street is owner occupied with four unrelated occupants. Attached as Exhibit 4 is a site plan showing the existing conditions, including parking and Exhibit 5, (3 pages) are plans showing the interior layout. The number of occupants is not an issue as four unrelated occupants are allowed under the present Zoning Ordinance.

The division of the house into separate living areas was completed no later than 1979, as evidenced by the Occupancy Permit issued by the City of Newton. The inclusion of a cooking facility in the separate tenant areas was not prohibited by the Zoning Ordinance then in effect. The City of Newton has allowed additional cooking facilities in single family homes for various reasons.

In 1960, there was no restriction in Newton prohibiting the use of a hot plate or similar cooking facility. In fact, it was on the basis of the prior existence of such facilities the City allowed the conversion of former household staff quarters into separate living quarters in the 1950's and 1960's, when requested and when required.

The evidence shown that by 1961, when the Appellant's family purchased 55 Washington Street, an abutter to 129 Grasmere Street, 129 Grasmere Street had three residential units. The Newton Municipal Poll List for 1960 shows the occupants to be 1) Jeannette Anne & William Joseph Genova, 2) John & Virginia R. McNamara and 3) Claude E. Simmonds. A copy of a portion of said Poll List is attached and marked Exhibit 6.

Under MGL c. 40A, §7 and for the purposes of this response, showing the condition to have been in existence for more than 10 years is sufficient to defeat this Notice of violation.

Mark Marry, one of the owners, resides on the premises. The use regulation is residential. The use of the building is residential. Mr. Marry is permitted to rent space and is doing so by renting portions of the structure to unrelated individuals.

Putting aside the question of the constitutional issues related to the division of land into districts that have the effect of excluding certain members of society, the question of enforcing the Zoning Ordinance, in this instance, must fail.

The Building Department, here the Division of Inspectional Services, is charged with enforcement of both the Building Code and the Zoning Ordinance. Each law was enacted for a different purpose. What is at issue is the combining of two laws, one with the purpose of providing safety regulations and the other with the purpose of the division of land into use districts, and applying definitions contained in one to interpret provision of the other.

There is also a question of interpretation of the Building Code. Do Building Code regulations designed to provide safe cooking facilities, introduced at a time when combustible material was used for cooking, apply to modern appliances that plug in to a closed electrical system, such as a toaster, a microwave or and electric coffee pot? If yes, why? If not, why not? Do the use of these appliances in an office create a kitchen?

Construction without building permits. There is no information as to what work the Building Commissioner is alleging was done or when such work was done. Therefore, the Owner can not properly prepare a defense and the Board can not issue a definitive Order. The Marry family did not make any such repairs or alterations during their ownership of 129 Grasmere Street. The Commissioner cites 780 CMR violations. Is this reference to the current 9th edition that became effective on January 1, 2018 and contains 340 pages or the 3rd edition that became effective June 1, 1979? Without further identification of the section(s) violated, the Appellant cannot properly present a complete defense to the charges.

The Commissioner cites 780 CMR violations. The provisions of CMR 780 had not been promulgated in 1960, at which time kitchens had been previously installed in the tenant living areas. In fact, a State Building Code had not been adopted at that time. The first edition of the BOCA Code did not become effective until January 1, 1975. Prior to 1975, the requirement for a

building permit for repairs, alterations and additions varied from municipality to municipality. Often, home owners were allowed to perform alteration and repairs without the requirement of a building permit.

Inadequate means of egress. Again, there is no information as to what work was alleged to have been done to create this condition or when such work was done. Therefore, the Owner can not properly prepare a defense and the Board can not issue a definitive Order. The City of Newton required the Appellant to install a second means of egress and repair another egress prior to the issuance of an occupancy permit. This must be accepted as evidence that the premises conformed to safety requirements in 1979. If not, the Commissioner should be required to state what different safety requirements the Building Code required.

Plumbing and electrical work done without permits. Again, there is no information as to what work was alleged to have been done or when such work was done. Therefore, the Owner can not properly prepare a defense and the Board can not issue a definitive Order. The electrical work was completed before the Marry's purchased the premises. I remember debate in the House, in 1974, concerning the adoption of a state building code. Under the proposed legislation, home owners would be required to hire licensed plumbers and electricians to perform work in their homes and would lose the right to perform work on their own home.

Smoke and carbon monoxide detectors are not applicable to this petition. The Appellant has added detectors and has requested an inspection from the Newton Fire Department and will provide a copy of the Certificate to the Building Commissioner.

Legal issues:

1. In the law there is a theory of an exemption from current regulations for pre-existing conditions. Therefore, in a complaint against a homeowner it is important to describe the condition complained of, to provide a reference to the time period the work was done and identify the section of the law that was violated. These elements are missing from this complaint.
2. In the law there is a theory of laches. Laches is a doctrine that is concerned with the reasonableness of the delay in bringing a proceeding. In this case, the delay has been 60 years, if we start counting from the 1960 Newton Poll List. We know that a city agency, the Health Department, was aware of the condition in 1979, 41 years ago, and ordered certain work to be done and then accepted the work. We have evidence the Newton Assessors were aware of the condition of three apartments in 1995, 25 years ago. We have the Appellant's statement that the condition existed before they purchased an adjacent property in 1961, 59 years ago.
3. There is also a legal defense theory that holds that you cannot come to court and ask for help when you or your associates helped create the condition complained of.

The underlying argument in this matter is: Should a condition that has been in existence for 60 years or more be terminated by applying modern rules and interpretation to the condition?

The Appellant requests the Zoning Board of Appeals, with respect to alleged Building Code violations, dismiss the complaint of violations, as there is no identification of the alleged violations or date or time when the violations were committed and the Owner can not properly prepare a defense and the Board can not properly issue a definitive Order.

The Appellant requests the Zoning Board of Appeals, with respect to alleged zoning ordinance violation, dismiss the complaint as the violation complained of is a pre-existing, nonconforming condition.

Alternative Relief:

The Owner has applied for a variance, filed August 19, 2020, and it is in the review process. The Owner purchased the property in 1979. At that time, the property was represented as a three-family home and it was used as a three-family home. The Buyers' intent was to incorporate the property into a retirement plan for the three Marry siblings. The property was to be available for one or more family members to live in and any surplus income derived from the rents was to be distributed equally. This plan is currently in effect.

The Appellant requests that if the Board finds that there is a violation, that the Board grant a variance, limited in time, to allow the Petitioner to complete the purpose of the purchase of 129 Grasmere Street, that is, to provide a place of residence for one or more of the family members of the LLC Owner and to provide retirement income for all the family members, all to be terminated upon the termination of the retirement program. The Appellant has no strong preference for the structure of the variance. It may be designed to allow three units as a three family or allow two units with an additional accessory apartment. The term of limitation may be for seven or ten years, with an option to renew, depending on the circumstances, or there may be no term at all.

Circumstances relating to the structure and especially affecting such structure, but not affecting generally the zoning district in which it is located:

- i. The configuration of the structure is conducive to providing separate living quarters.
- ii. The shape of the structure provides support for the determination that the design was intended to provide at least two living units, one for the family and one for staff.
- iii. The shape of the building creates living space that far exceeds the needs of a single retired man. Its design is conducive to the use of each floor as separate residential quarters.
- iv. The shape of the structure is residential in nature. The zoning ordinance allows such a structure to provide living quarters for up to four (4) unrelated people. The current use of the structure is for four unrelated people. To deprive the owner of the current use will create a substantial hardship and deprive him of certain rights he has under the existing zoning ordinance.
- v. The population of Newton has changed and requires such residential units. This is supported by the fact that in the past 50 years, the number of residential units in Newton has increased by approximately 8,000 units while the population has remained substantially the same at about 90,000 people. The demand for large Victorian homes has abated and reuse of the buildings is important to the community.
- vi. Mark Marry, one of the LLC members currently residing at 129 Grasmere Street, will have to vacate the premises as the building, containing 3,312 square feet (according to Newton Assessors records) is too large and too expensive for him to maintain. This will cause him a substantial hardship.
- vii. The acquisition of the premises as part of a family retirement plan will be defeated and will cause a substantial hardship to the LLC members.

Miscellaneous related facts and questions:

The Appellant requests Findings on the following questions:

1. On May 6, 2020, someone, using a postage meter, mailed a copy of the Commissioner's complaint to the tenants at 129 Grasmere Street, from Boston, Massachusetts, in an envelope that appears to be from the City of Newton, resulting in a financial loss to the owner. See Exhibit 7.
2. Did the City send out this communication? If yes, why?
3. The Appellant was advised that automobiles with a taxi registration were prohibited from parking on Grasmere Street.
4. Does that claim continue to be an alleged violation?
5. A question of interpretation of the Building Code. Do Building Code regulations designed to provide safe cooking facilities, introduced at a time when combustible material was used for cooking, apply to modern appliances that plug in to a closed electrical system, such as a toaster, a microwave or and electric coffee pot?

Respectfully Submitted by
Marry Grasmere Realty, LLC
By their Attorney



Peter F. Harrington, BBO# 222960
505 Waltham Street, West Newton, MA 02465
tel. 617-558-7722
pfh@aol.com

Dated:
September 21, 2020

APPENDIX A

Facts applicable to all case examples:

A house, located in a Residence Use Zoning District, contains 18 rooms in three stories. The property is family owned and one of the owners resides in the house. The owner rents out certain rooms to roommates.

The second floor has one kitchen. The use is residential.

The Owner, a single person, occupies 5 rooms on the first floor.

Roommate A occupies 4 rooms on the second floor.

Roommate B occupies 3 rooms on the second floor.

Roommate C occupies 4 rooms on the third floor.

Case #1. Based upon the above facts, are there any violations of the Building Code?

- Case #1.a. in 1960? If so what sections were violated?
- Case #1.b. in 1979? If so what sections were violated?
- Case #1.c. in 2020? If so what sections were violated?

Are there any violations of the Zoning Ordinance?

- Case #1.d. in 1960? If so what sections were violated?
- Case #1.e. in 1979? If so what sections were violated?
- Case #1.f. in 2020? If so what sections were violated?

Case #2. If we add the fact that each of the owner installs locks in the roommates doors, does this additional fact create any violations of the Building Code?

- Case #2.a. in 1960? If so what sections were violated?
- Case #2.b. in 1979? If so what sections were violated?
- Case #2.c. in 2020? If so what sections were violated?

Does this additional fact create any violations of the Zoning Ordinance?

- Case #2.d. in 1960? If so what sections were violated?
- Case #2.e. in 1979? If so what sections were violated?
- Case #2.f. in 2020? If so what sections were violated?

Case #3. If we add the fact that the owner installs a cooking facility for each roommate, does this additional fact create any violations of the Building Code?

- Case #3.a. in 1960? If so what sections were violated?
- Case #3.b. in 1979? If so what sections were violated?
- Case #3.c. in 2020? If so what sections were violated?

Does this additional fact create any violations of the Zoning Ordinance?

- Case #3.d. in 1960? If so what sections were violated?
- Case #3.e. in 1979? If so what sections were violated?
- Case #3.f. in 2020? If so what sections were violated?

Case #4. If we add the facts that the Owner installs a second egress on the third floor, repairs an exterior step, installs exterior handrails and railings, do these additional facts create any violations of the Building Code?

- Case #4.a. in 1960? If so what sections were violated?
- Case #4.b. in 1979? If so what sections were violated?
- Case #4.c. in 2020? If so what sections were violated?

Do these additional facts create any violations of the Zoning Ordinance?

- Case #4.d. in 1960? If so what sections were violated?
- Case #4.e. in 1979? If so what sections were violated?
- Case #4.f. in 2020? If so what sections were violated?

EXHIBIT NO. 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.

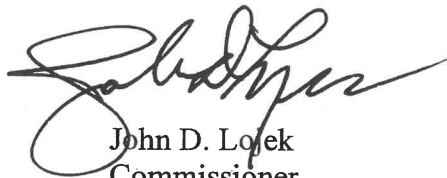
Failure to comply within thirty (30) days of receipt of this notice may result in a criminal complaint being filed in Newton District Court.

Respectfully,



Craig Edsall
Zoning Enforcement Agent

1063



John D. Lofek
Commissioner

EXHIBIT NO. 2

EXHIBIT 2**Part I** ADMINISTRATION OF THE
GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter** ZONING**40A****Section** ENFORCEMENT OF ZONING
7 REGULATIONS; VIOLATIONS;
PENALTIES; LEGALLY
NONCONFORMING STRUCTURES;
NOTICE OF ACTION;
JURISDICTION OF SUPERIOR
COURT

Section 7. The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

No local zoning by-law or ordinance shall assess a penalty of more than

\$300 per violation; provided, however, that nothing in this section shall be construed to prohibit local zoning by-laws or ordinances from providing that each day the violation continues shall constitute a separate offense.

No action, suit or proceeding shall be maintained in a court, nor an administrative action or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of a structure or part of a structure because of a violation of a zoning by-law or ordinance except in accordance with this section and sections 8 and 17. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration or relocation of a structure erected in reliance upon the permit by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 6 years of the commencement of the alleged violation. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter or the conditions of a variance or special permit shall be maintained unless the action, suit or proceeding is commenced and notice of the action, suit or proceeding is recorded in the registry of deeds for each county or district in which the land lies or, in the case of registered land, the notice is filed in the registry district in which the land lies within 10 years of the commencement of the alleged violation.

If real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance or by-law

adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to section 6 and any local ordinance or by-law relating to non-conforming structures.

Notice of an action, suit or proceeding shall include the name of not less than 1 of the owners of record, the name of the person initiating the action and adequate identification of the structure and the alleged violation.

The superior court and the land court shall have the jurisdiction to enforce the provisions of this chapter, and any ordinances or by-laws adopted thereunder, and may restrain by injunction violations thereof.

EXHIBIT NO. 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 Grasmere St.

OWNER George Marry DATE OF INSPECTION 9-4-79

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

CONDITIONS CONSTITUTING VIOLATIONS

APPLICABLE
REGULATION

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. Lantman
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

CONDITIONS CONSTITUTING VIOLATIONS

APPLICABLE REGULATIONS

Units are in satisfactory condition

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 _____

Swan K. Laibma
Name of Inspector

OCCUPANCY PERMIT

LOCATION OF PROPERTY: 129 Gasmore St.
NAME OF OWNER/AGENT: George Mary
NAME OF OWNER/AGENT: Mark Mary
PHONE NUMBER: _____

7
11

certifies that the above listed premises have been found fit for human habitation and conform to the Massachusetts State Sanitary Code, Article II, "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
AUTHORIZED SIGNATURE: Susan K. Santman
HEALTH DEPARTMENT

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

George Mary

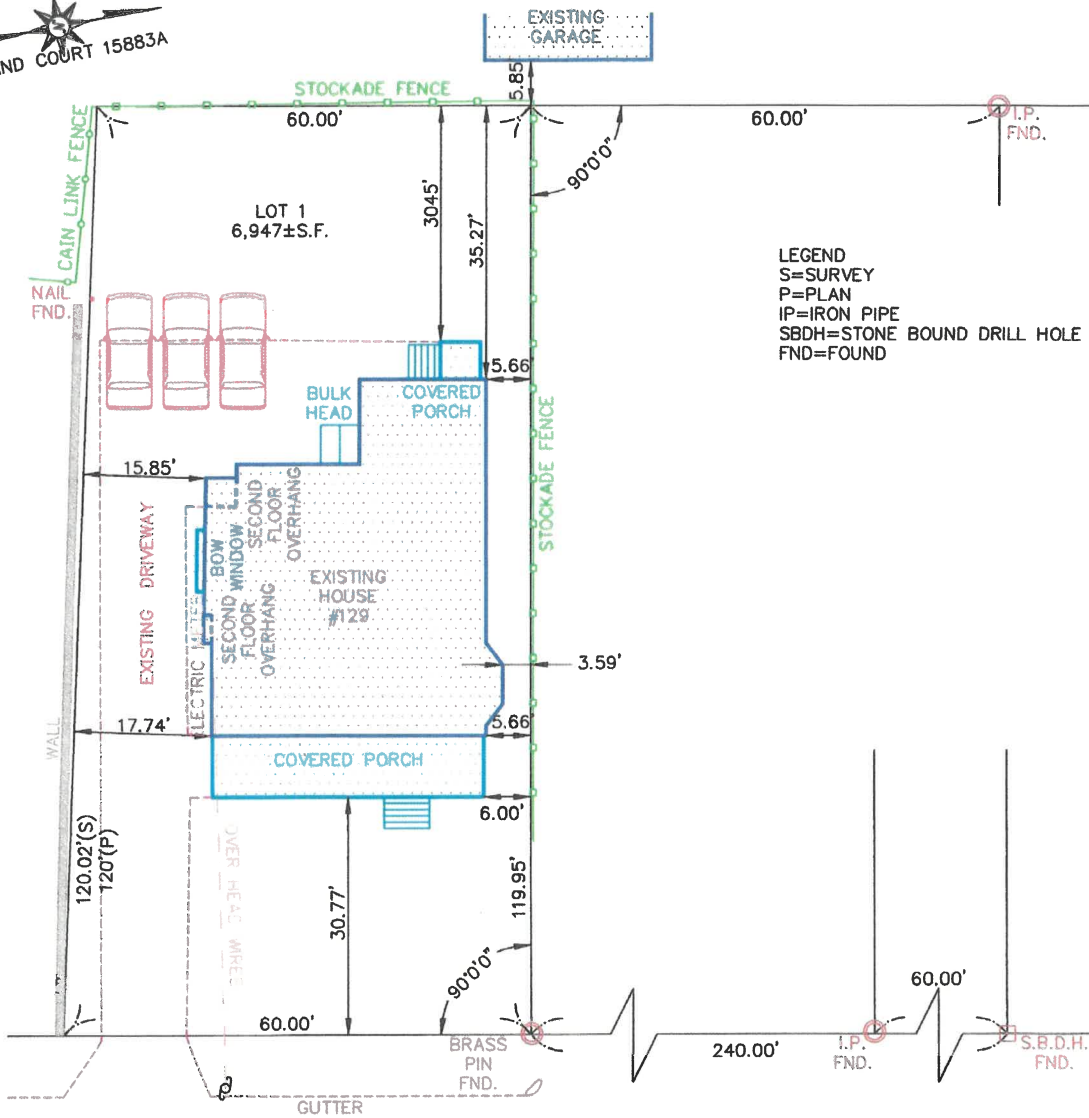
May each violation, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public? YES NO

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

EXHIBIT NO. 4



LEGEND
 S=SURVEY
 P=PLAN
 IP=IRON PIPE
 SBDH=STONE BOUND DRILL HOLE
 FND=FOUND

GRASMERE (40' WIDE) STREET

RECORD OWNER:
 MARRY GRASMERE LLC

DEED REFERENCE:
 BOOK 72384 PAGE 468

PLAN REFERENCE:
 PLAN 96 OF 1892
 LAND COURT PLAN 15883A

NEWTON ASSESSORS PLAN
 71-030-0006

PROPERTY LOCATED IN
 SR3 ZONE



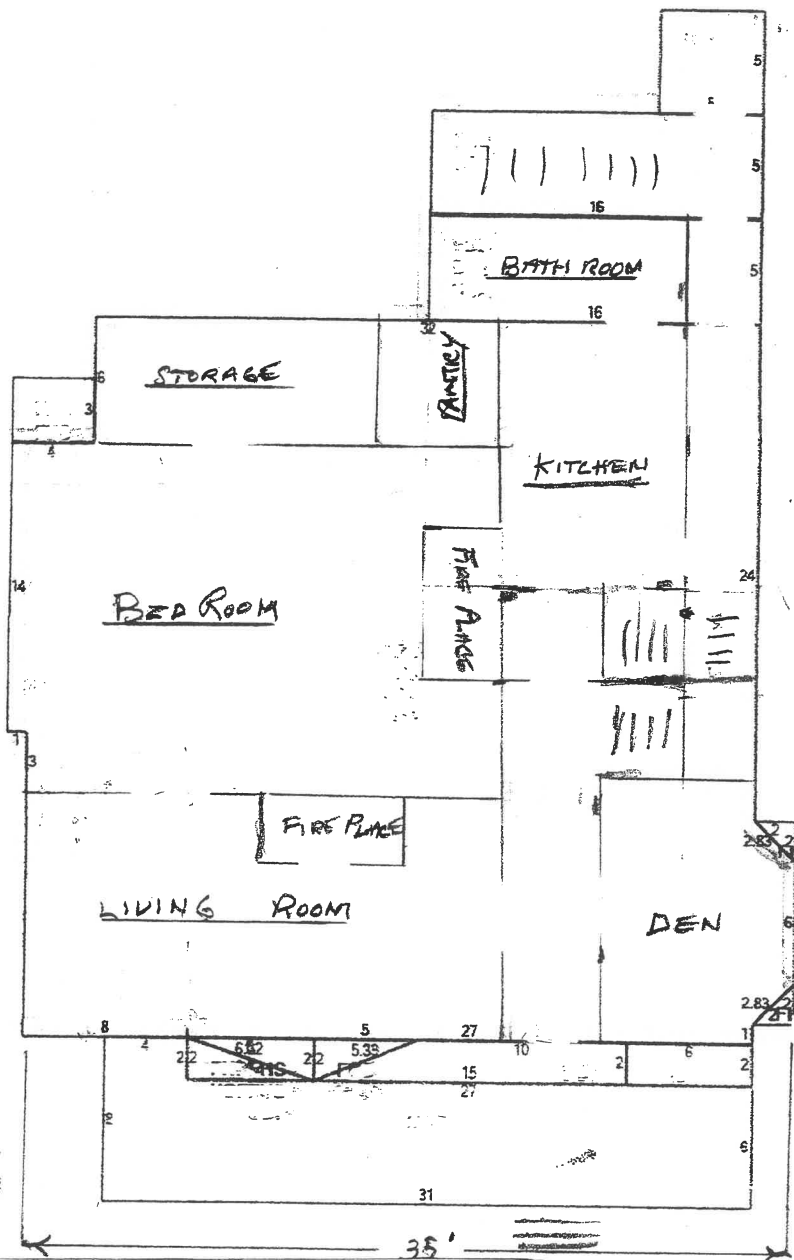
PLAN OF LAND ~ NEWTON, MA
 SHOWING PARKING LAYOUT
 #129 GRASMERE STREET
 DATE: 8/7/20 SCALE: 1" = 20'

PREPARED BY:
BIBBO BROTHERS AND ASSOCIATES
 SURVEYING, ENGINEERING
 & CONSTRUCTION CONSULTING
 10 HAMMER STREET, WALTHAM, MA 02453
 TEL: 781-891-0417 - E-MAIL: bibbobrothers@comcast.net
 RALPH BIBBO, JR., MANAGER - ROBERT BIBBO, P.L.S.

EXHIBIT NO. 5

129 Grasmere Street
Apartment 1

Scale: 1/8" = 1'



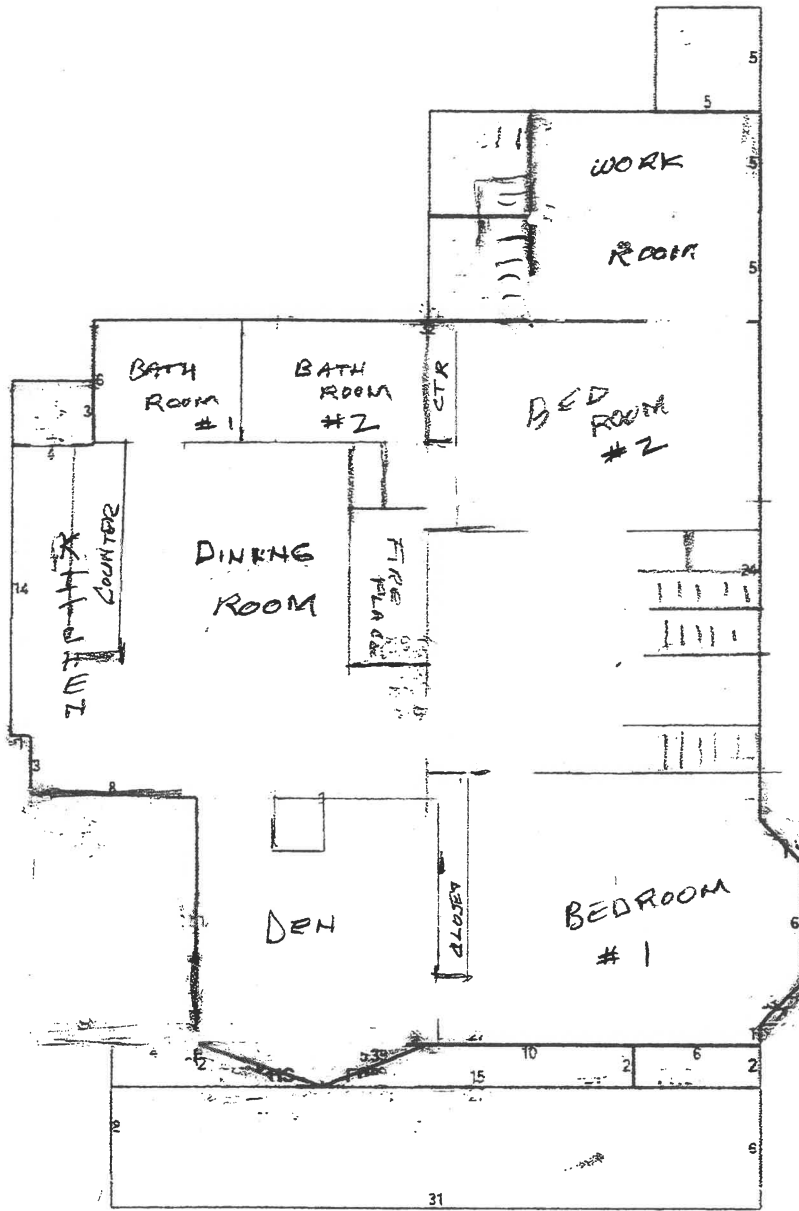
Room	Dimensions	Area (sq ft)	Notes	Value
1) BATH	8.3' x 5'	41.5		41.5
2) BED ROOM	156" x 244" = 13' x 20.3'	252.3	fireplace (70" x 24")	252.3
3) LR	178" x 356" = 14.8' x 21.3'	298.3	fireplace (78" x 32")	298.3
4) DEN	136" x 115"	108.4		108.4
5) LIVING ROOM	11.3' x 9.6'	108.4		108.4

Living Room
796.5 sq ft
(with storage space)

129 Grasmere Street
Apartment 2

Scale: 1/8" = 1'

2 Persons



1) DINING ROOM	13' x 12'8"	166.4
2) KITCHEN	6.9' x 15'8"	109.2
3) BATH ROOM #1	6.6' x 6'	39.6
4) DEN	16.3' x 11.6'	189
5) BED ROOM #1	15.3' x 11.4'	174
6) BATHROOM #2	6.6' x 8'	52.8
7) BED ROOM #2	14' x 9'	126
8) WORK ROOM	9' x 8'	72

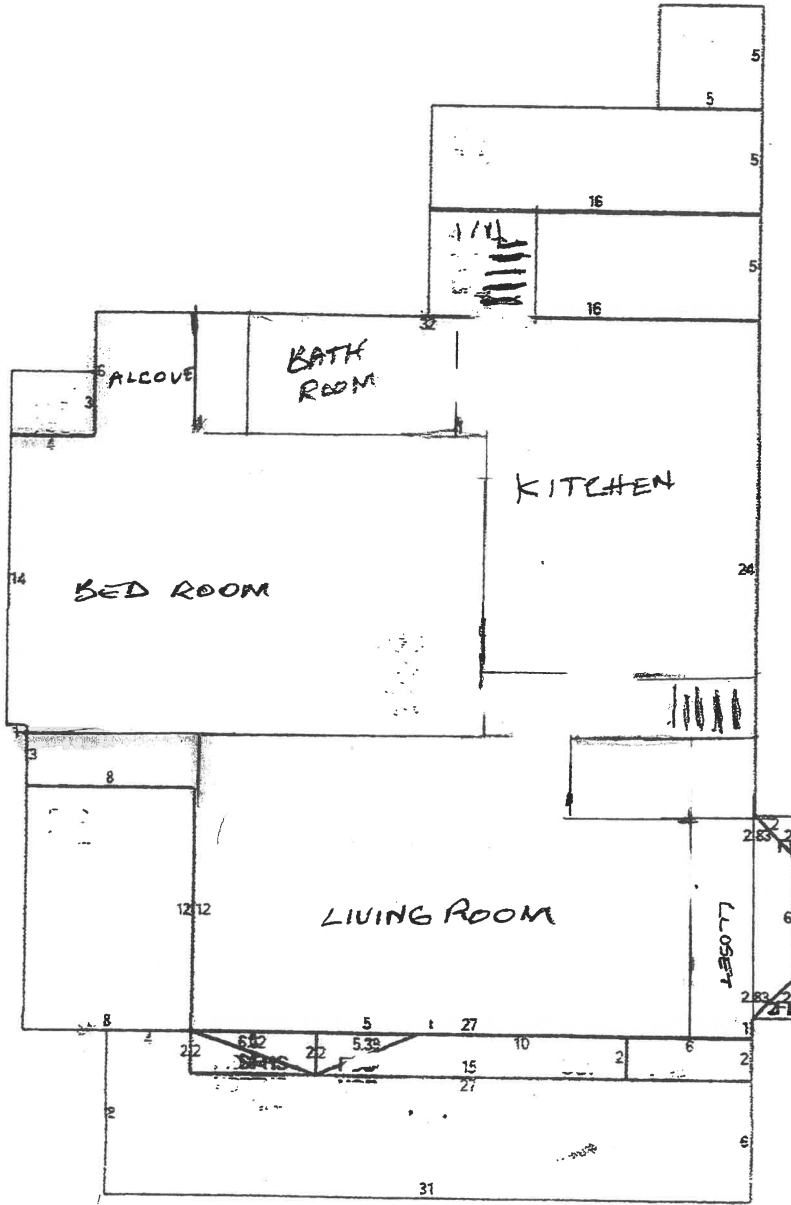
Living Space

929.46

129 Grasmere Street
Apartment 3

SCALE: 1/8" = 1'

1 PERSON



		SA FT
1) LIVING ROOM	20'6" x 15'	309
2) BEDROOM	20'6" x 13'7"	282
3) KITCHEN	12'6" x 15'	189
ALCOVE	3' x 3'8"	11
4) BATH ROOM	8'8" x 5'2"	46

LIVING SPACE

817 SQ FT

EXHIBIT NO. 6

R	111 Butler, Mary M.	same	Clerk	1928
V	111 Butler, Michael J.	same	At home	1884
R	111 Butler, Thomas F.	Oregon	Ch	1914
	111 Butler, Thomas F. Jr.	same	Ra EXHIBIT 6	1878
V	114 Lennon, Amber L.	Same	U. Army	1920
V	114 Lennon, Edward J.	J. Plain	At Home	1/20/05
	114 Murphy, Sara A.	J. Plain	Salesman	2/17/99
D	114 O'Brien, Maybelle E.	Framingham	At Home	2/21/33
V	114 O'Brien, William M.	same	At home	1908
V	115 Cain, Edith F.	same	Supervisor	1904
V	115 Hurley, Edward F.	204 Jackson St.	Inspector	8/2/96
V	115 Hurley, Evelyn M.	Brighton	Druggist	3/12/07
V	115 Hurley, Mary L.	74 Elmhurst Rd.	Adj. Clerk	6/25/99
V	115 Hurley, Ruth D.	74 Elmhurst Rd.	At Home	5/2/05
	115 Surlas, Mary E.	Brighton	Housewife	12/23/09
D	119 Barton, Virginia M.	Brighton	At Home	1874
	119 Grant, Edward J.	same	Secretary	1917
	119 Grant, Margaret V.	same	Retired	1907
	119 Grant, Robert T.	same	Tel. Operator	1906
R	119 Ham, Rudman J.	same	U.S. Army	1930
R	119 Ham, Ruth A.	N.H.	Adm. Ass't	6/22/31
R	124 Powers, Sally B.	Needham	Housewife	9/1/32
R	124 Powers, William M.	3 Vernon St.	At Home	5/14/28
	125 Butler, Judith A.	3 Vernon St.	Teacher	10/14/24
V	125 Chapman, Elizabeth L.	N.H.	Stud. Nurse	9/9/39
V	125 Chapman, Mary C.	same	At home	1877
V	125 Clemens, John P.	same	Clerical Worker	1913
V	125 Long, Elizabeth C.	N.H.	Clerk-Photo	4/18/38
V	125 Long, George S.	Same	Sec.	11/18/15
V	128 Bent, Edson O.	Boston	Off. Wk.	1913
V	128 Bent, Myrtle M.	Same		1889
	128 Spencer, Dennett C.	same	Nurse	1893
	128 Spencer, Gertrude H.	Waltham	Guard	1/26/00
	128 Waldman, David	Waltham	Cashier	1/3/09
	128 Waldman, Elizabeth Rose	Watertown	Self-Emp.	6/5/07
	129 Genova, Jeannette Anne	Watertown	Librarian	9/6/14
	129 Genova, William Joseph	Florida	Bank Teller	2/20/35
V	129 McNamara, John	Natick	Student	1/18/36
R	129 McNamara, Virginia R.	same	U.S. Navy	1922
R	129 Simmonds, Claude E.	same	Insurance	1922
D	136 Jones, James A.	same	Clerk	1885
V	136 Sheehan, Daniel J.	same	Photographer	1888
		same	Editorial Work	1922

HERMON TERRACE

V	25 Giovannini, John J.	Canada	Carpenter	1921
V	25 Giovannini, Susanna M.	Halifax	At home	1922
R	25 Paliotta, Tommasangelo	same	Gardener	1893

HUNNEWELL AVENUE

Ward 7 Precinct 1 Page 13

1960

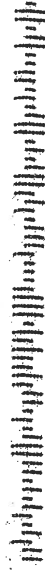
EXHIBIT 7

Newton, Massachusetts

BOSTON
MADE
10 MAY 20
PM 5 L



Current Tenant
129 Grasmere Street #2a
Newton, MA 02458



02458-221229