

**ROSENBERG, FREEDMAN & GOLDSTEIN LLP**  
**ATTORNEYS AT LAW**  
**246 Walnut Street**  
**Newton, Massachusetts 02460-1639**  
**617-964-7000**  
**Fax: 617-964-4025**

416-11

Jason Allen Rosenberg  
Donald N. Freedman  
Howard I. Goldstein  
Paula J. Morgan  
Susan H. Levin  
Ellen M. McVay  
Hope C. Vassos  
Faith D. Segal  
Anna M. Corti  
Charlene A. Caldeira  
Kristin W. Shirahama  
Laurance S.L. Lee  
Theresa B. Ramos  
Jared M. Wood  
David M. Bilodeau

Senior Counsel:  
Martin I. Estner

January 10, 2012

Theodore Hess-Mahan, Chair  
Land Use Committee  
Board of Aldermen  
Newton City Hall  
Newton Centre, MA 02459

Re: Petition #416-11 KJR Inc/Joseph Bontempo for 7 West Street, Ward 1, Nonantum

Dear Chairman Hess-Mahan:

I represent 376-380 Watertown Street, LLC and its principal, Janet Edsall as the owner of the mixed use building (retail shops on 1<sup>st</sup> floor and 2 apartments on 2d floor) at 376-380 Watertown Street. Unfortunately I have a conflicting matter this evening and will not be able to attend, but will do so with respect to the subsequent working sessions on this matter.

Tonight Ms. Edsall plans to appear before you and the Land Use Committee to make her concerns known as to the potential impact upon her property and its occupants if the pending petition is approved without adequate safeguards. Her concerns are amplified by the already existing parking abuses on West Street, on the adjoining parking lot serving 372 Watertown Street, which parking abuses flow over into the small but essential parking lot serving 376-380 Watertown Street. These abuses are not just by some who patronize 7 West or the building at 372 Watertown, but also by the general public seeking a free parking spot while they go elsewhere in the village business area. Parking "customs" can be aptly described as a "free-for all". Often her tenants, both residential and business, find cars or trucks blocking access to reach the parking area on 376-380 Watertown,

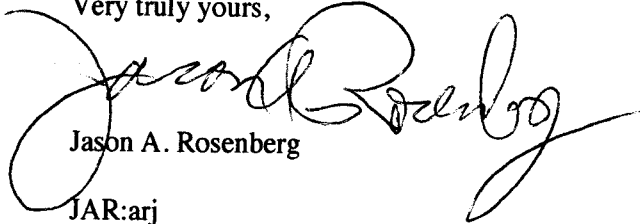
Of greater concern is the cars and trucks parked on the 15-foot wide right of way which is the only lawful access from West Street to the rear of 376-380 Watertown. If the rear parking area, which is un-striped, is filled, and if the right of way is also used as parking, fire and safety vehicles cannot reach the rear of the building at 376-380 Watertown which also means that the building can only be accessed on one side, Watertown Street, instead of the required 2 sides! I have enclosed a copy of the record plan and grant of the right of way easement. It runs parallel to the northerly lot line of 7 West and is completely within the lot lines constituting 372 Watertown. Both properties are owned and controlled by Joseph Bontempo.

It is essential that conditions be imposed within the special permit to protect the safety and access for the occupants of 376-380 Watertown Street. Some of the underlying problems would be amplified if a special permit is approved without addressing these and other concerns, e.g., the location and

method of disposal of trash and garbage (dumpster?), adequate lighting, and enforceability of conditions as to hours and noise.

Ms. Edsall and I look forward to the assistance of the Land Use Committee and City agencies, and the cooperation of the petitioner and owner of both 7 West and 372 Watertown Street to create a more rational parking and usage at the Watertown and West Streets corner between now and the final vote of the Board.

Very truly yours,

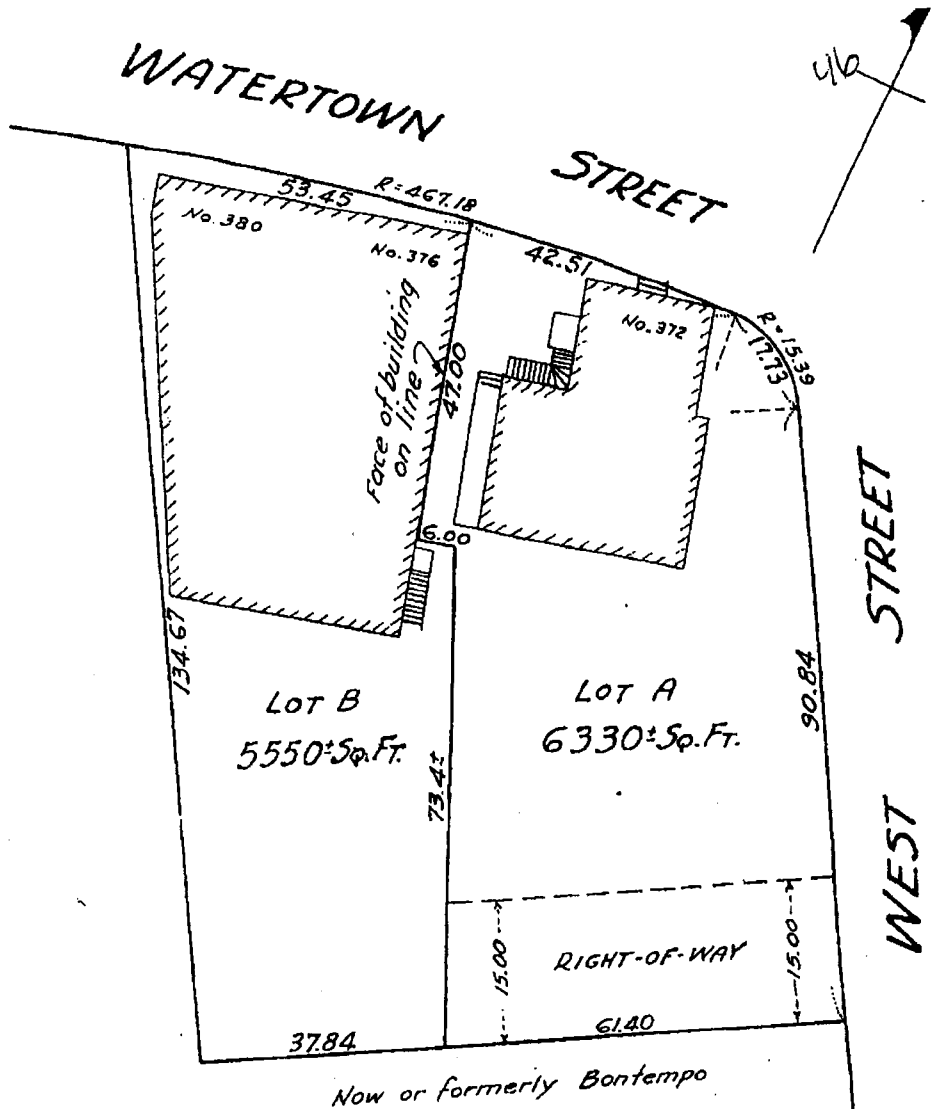


Jason A. Rosenberg

JAR:arj

Enclosures

Cc   Members of the Land Use Committee  
      President Scott Lennon  
      Derek Valentine, City Planner  
      Eve Tapper, Chief of Current Planning  
      Ouida Young, Associate City Solicitor  
      Linda Finucane, Office of Clerk of Board of Aldermen  
      Attorney G. Michael Peirce  
      Janet Edsall, Managing Partner of 376-380 Watertown Street LLC



SUBDIVISION  
 PLAN OF LAND  
 IN  
 NEWTON, MASS.

May 24, 1952

SCALE 1" = 20'

Marcello J. Guarino  
 CIVIL ENGINEER

Middlesex Registry of Deeds, So. Dist.  
 CAMBRIDGE, MASS.

Plan Number 1131 of 1952  
 rec'd Jun 27 1952 at 3.15 PM  
 with DEED Doc. No. 353  
ANTHONY ALBERT MAZZOLA  
NICHOLAS S. BONTEMPO  
 recorded, Book 7926 Page 592

BOOK  
7926  
PAGE  
596

Elm Hill Finance Corporation, holder of a mortgage  
from Anthony Albert Mazzola  
to Elm Hill Finance Corporation  
dated April 11, 1952  
recorded with Middlesex South District Registry of Deeds  
Book 7887, Page 373, acknowledge satisfaction of the same

In witness whereof the said Elm Hill Finance Corporation  
has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by  
Samuel Friedman its president this twenty-sixth day of  
A. D. 1952



Elm Hill Finance Corporation  
by Samuel Friedman  
The Commonwealth of Massachusetts  
Clerk

At a meeting of the Board of Directors of the Elm Hill Finance Corporation, duly held June 26, 1952, a quorum being present, it was voted that the President be and hereby is authorized to sign and seal with the corporate seal, acknowledge or deliver, in the name of the Corporation to Anthony Albert Mazzola a discharge of mortgage given by Anthony Albert Mazzola to Elm Hill Finance Corporation dated April 11, 1952, recorded in Middlesex Registry of Deeds, Book 7887, Page 373. A true copy from the records of the Elm Hill Finance Corporation. Attest:

Middlesex ss. June 26, 1952  
Then personally appeared the above-named Samuel Friedman  
and acknowledged the foregoing instrument to be the free act and deed of The Elm Hill Finance Corporation

before me  
Julius Goldstein  
JULIUS GOLDSTEIN  
Notary Public - Middlesex County  
My Commission Expires August 31, 1956

Rec'd & entered for record June 27, 1952 at 3h. 54m. P.M. #352

8083  
374

I, Albert  
I, Anthony A. Mazzola,  
of Newton, Middlesex County, Massachusetts,  
for consideration paid, grant to Nicholas DeStempio,  
of Newton, Middlesex County, Mass.,  
with quitclaim covenants  
the land with the buildings thereon, situated in Newton, Middlesex

County, Massachusetts, being shown as lot A on a "Subdivision Plan of Land in Newton, Mass.", dated May 24, 1952, by Marcello J. Guarino, Civil Engineer, to be recorded herewith, said lot A being bounded and described as follows:

Northerly: By Watertown Street forty-two and 51/100 (42.51) feet;

Northeasterly: By the curve at the corner of Watertown Street and West Street, Seventy and 73/100 (70.73) feet;

Easterly: By West Street, ninety and 24/100 (90.24) feet;

Southeasterly: By land owned by Nicholas Bontempo, sixt-one and 40/100 (61.40) feet;

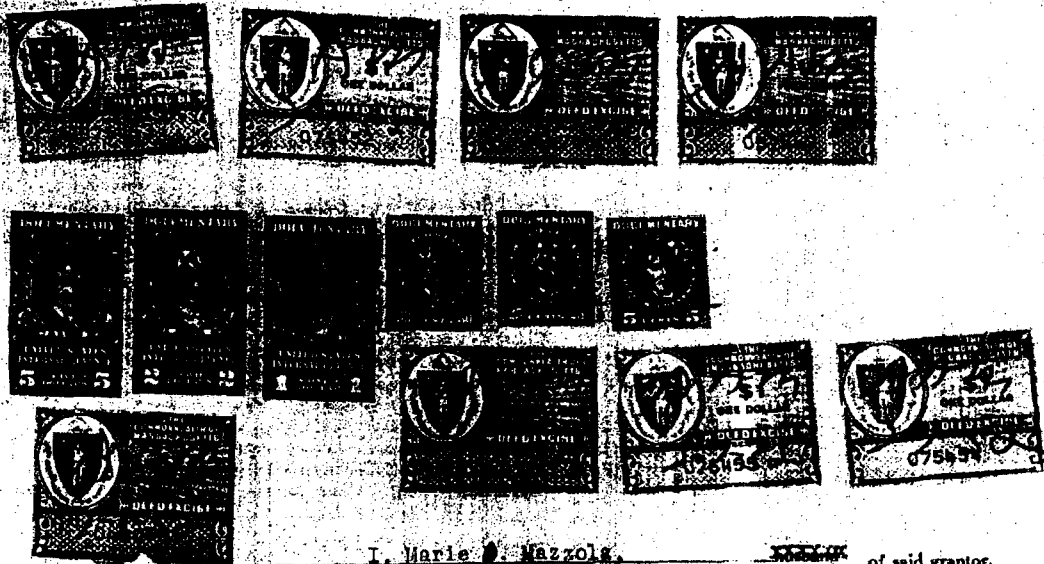
Westerly: By land retained by Anthony A. Mazzola, seventy-three and 4/10 (73.4) feet;

Northerly: Six (6) feet;

Westerly: Forty-seven (47) feet by other land of the grantor, shown as lot B on said plan.

Containing 6030 square feet, more or less.

The said Anthony A. Mazzola herewith reserves the right to pass and repass over the right of way shown on said plan, dated May 24, 1952, prepared by C.E. Marcello J. Guarino, said right of way shown as fifteen (15) feet wide, from West Street to land of the grantor. Said right of way reserved to the grantor, Anthony A. Mazzola, his heirs and assigns shall include all easements for which a driveway is now used or may be used, including driving of trucks and motor vehicles over said right of way or driveway, and said right of way shall be forever kept open to the sky.



I, Marie A. Mazzola, ~~Grantor~~ wife of said grantor,

release to said grantee all rights of ~~ownership, dower and homestead~~ and other interests therein.

Witness OUR hand and seal this 27th day of June, 1952.

*Anthony Albert Mazzola*  
*Maria Mazzola*  
*Maria Mazzola*  
*Anthony Albert Mazzola*  
*J. Guardian*

The Commonwealth of Massachusetts

Middlesex ss. June 27 1952

Then personally appeared the above named Anthony Albert Mazzola and  
Maria Mazzola and Maria Mazzola by Anthony Mazzola, guardian

and acknowledged the foregoing instrument to be free act and deed, before me

*Robert H. Wilkin*  
Justice of the Peace  
My Commission expires July 27 1952

Rec'd & entered for record June 27, 1952 at 3h. 54m. P.M. #353

See Discharge, B 8090 P 565

NICHOLAS S. BONTEMPO,

of Newton,  
County, Massachusetts, ~~being~~ for consideration paid, grant to the Middlesex

WATERTOWN CO-OPERATIVE BANK

situated Watertown, Middlesex County, Massachusetts, with MORTGAGE COVENANTS, to secure the payment of

SEVEN THOUSAND (7000) Dollars

with interest thereon payable as provided in a mortgage note of even date, and such further sums as may be advanced by the grantee under General Laws, Chapter 183, Sections 28A, as amended, the land with the buildings thereon situated in that part of Newton, Middlesex County, Massachusetts, called NONANTUM, being the northwesterly half of lot 46 as shown on plan of lots of Josiah Rutter, dated August 1868, drawn by J. H. Curtis, C.E., recorded with Middlesex South District Deeds in plan book 15, plan 55, said lot 46 being bounded and described as follows:

- SOUTHWESTERLY by WEST STREET thirty (30) feet;
  - NORTHWESTERLY by lot 47 as shown on said plan, one hundred ten (110) feet;
  - NORTHEASTERLY by lot 48 as shown on said plan, thirty (30) feet;
  - SOUTHEASTERLY by the other half of said lot 46, on land now or late of Peter Jones, one hundred ten (110) feet.
- Be any or all of said measurements more or less or however otherwise said premises may be bounded, measured or described.

Together with and subject to a right of way over a passageway in common with land of Peter Jones, on the southeasterly side of the granted premises, leading to West Street, said passageway being shown on a plan of land of Margaret J. Craig, drawn by E. S. Smith, Surveyor, dated July 1910, recorded with said Deeds at the end of record book 3534.

Being the same premises conveyed to me by deed of the Watertown Co-operative Bank, dated May 26, 1934, recorded with said Deeds in book 5823, page 400.