

Terrence P. Morris, Esq.
Attorney at Law
57 Elm Road
Newton, MA 02460
617 202-9132

October 31, 2014

By electronic transmission: dolson@newtonma.gov

David A. Olson, Clerk of the Board
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Board Order #257-13(3) and (4): 145 Wells Avenue
Special Permit Conditions 7(a) and 7(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Board Order in accordance with Condition 7(a) of the above-referenced special permit, which states that no building permit shall be issued "until the petitioner has recorded a certified copy of this board order for the approved special Permit/site plan with the Registry of Deeds for the Southern District of Middlesex County."

This filing, with copies to ISD and Planning, will also satisfy Condition 7(b), which states that no building permit shall be issued "until the petitioner has filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development."

Thank you for your attention to this matter.

Sincerely,

Terrence P. Morris

Terrence P. Morris

Enclosure

Cc: James Freas, Acting Director *via email*
Planning and Development
John Lojek, Commissioner *via email*
Inspectional Services
Stephen Pantalone, Senior Planner *via email*
Planning and Development

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Middlesex South Registry of Deeds
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DAVID A. OLSON, CM
Newton, MA 02459

David A. Olson
Newton City Clerk

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMITS SITE PLAN APPROVAL allow a place of amusement use, to grant a waiver of seven parking stalls, and to waive interior landscaping requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

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

Property Address: 145 Wells Avenue, Newton

PETITION NUMBER: #257-13(4)

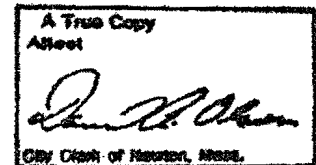
PETITIONER: Wells Avenue Business Center LLC

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

OWNER: Wells Avenue Business Center LLC

ADDRESS OF OWNER: 20 Linden Street
Newton, MA 02134

TO BE USED FOR: Bouncy House and Day Care

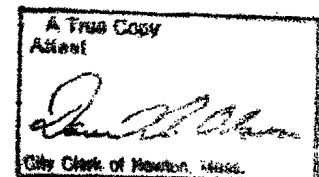


EXPLANATORY NOTES: §30-12(e)(8), to allow an indoor place of amusement; §30-19(d)(13), §30-5(a)(3)(d)(iii), §30-19(d)(16), §30-19(m), to waive requirement for seven parking stalls; §30-19(h)(3)(a), to reduce the minimum aisle width for one-way traffic; §30-19(i)(2), to waive interior landscaping requirements

ZONING: Limited Manufacturing

Approved subject to the following conditions:

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



- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - d. Obtained an approved Order of Conditions from the City's Conservation Agent.
8. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
9. Notwithstanding the provisions of Condition #8c. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.


Under Suspension of Rules

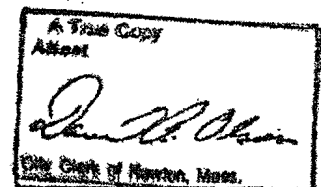
Readings Waived and Approved

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

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 8, 2014. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

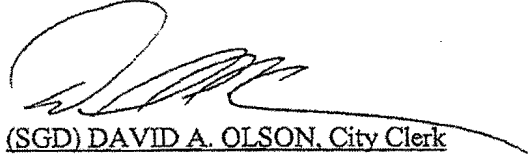
ATTEST:


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

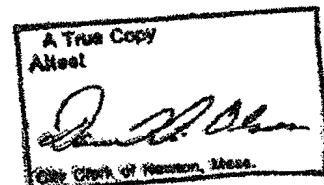


I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 10/5 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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



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257-13

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDERED:

That the Board, finding that the proposed amendment can be made without substantially derogating from the purpose for which the City of Newton was granted certain restrictions in a deed from the Trustees of the "Newton at 128 Realty Trust" to the City of Newton dated May 22, 1969 and recorded with the Middlesex South Registry of Deeds in Book 11669, Page 535, the Board hereby agrees to amend the aforesaid restrictions as follows:

PETITION NUMBER: 257-13(4)

PETITIONER: One Wells Avenue Business Centre, LLC

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

OWNER: One Wells Avenue Business Centre, LLC

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


TO BE USED FOR: A place of amusement


Property Address: 145 Wells Avenue, Newton

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

That His Honor the Mayor be and hereby is authorized to execute on behalf of the City such recordable documents as may be usual, customary or necessary to give effect to the Order of the Board herein or in the prior Orders of the Board.

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


(SGD) DAVID A. OLSON
City Clerk


(SGD) SETTI D. WARREN
Mayor

Date 