

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 10, 2015

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 restriction 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 restriction as follows:

PETITION NUMBER: 124-15(2)

PETITIONER: Wells Avenue, LLC

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

OWNER: Wells Avenue, LLC and The CCS Companies

ADDRESS OF OWNER: 2 Wells Avenue
Newton, MA 02459

TO BE USED FOR: Office Building, Parking Lot, and Retaining Walls

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 11699, Page 535 as amended by Board Order nos. 570-71(2), 189-72, 734-72, 591-76, 541-89(2), 282-91, 293-93(2), 469-93, 428-01(B), 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13(3) be further amended as specifically set out in Exhibit A attached hereto for the sole purpose of permitting the construction of a three-story addition to the existing office building, with an expanded parking lot and retaining walls at 2 Wells Avenue as proposed in Special Permit Board Order #124-15, to be used for offices and all accessory uses as are proper, usual and customary in connection with such use.

1. The Board finds that granting the specific amendment to the deed restriction to allow for the expanded commercial use proposed for 2 Wells Avenue will not diminish the safeguards for which the restriction was implemented, including floodplain management and watershed protection.
2. The amendment to the deed restriction authorized by this Board Order is limited to the extent necessary to develop the special permit project at 2 Wells Avenue authorized by Special Permit Board Order #124-15.

3. The amendment to the deed restriction authorized by this Board Order is subject to the approval and exercise of Special Permit Board Order #124-15 in accordance with the terms and conditions of such Board Order.
4. 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 this Order of the Board.

Under Suspension of Rules
Readings Waived and Adopted

[] Yeas [] Nays

Executive Department
[Date]

City Clerk

Mayor

EXHIBIT A

To Board Order #124-15(2)

REQUESTED AMENDMENTS TO THE WELLS AVENUE DEED RESTRICTION FOR THE SOLE PURPOSE OF THE DEVELOPMENT OF 2 WELLS AVENUE AS PROPOSED IN SPECIAL PERMIT BOARD ORDER #124-15 AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH SPECIAL PERMIT BOARD ORDER.

That the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following at 2 Wells Avenue only as proposed in Special Permit Board Order #124-15(2):

- (1) a greater percentage of office space in the entire office park to exceed 800,000 square feet in floor area;
- (2) less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement;
- (3) the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25;
- (4) a portion of the existing parking spaces and maneuvering area to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the land of 2 Wells Avenue is a part, and which boundary line is designated on said plan as "950" feet;
- (5) retaining walls of 4 feet or greater as may be necessary within 80 feet of the northerly boundary line of said lot;
- (6) the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet.