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August 7, 2014

BY HAND

Ms. Alexandra Ananth
Chief Planner
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, Massachusetts 02459-1449

Re: Petition #229-14/93 Bellevue Street

Dear Alexandra,

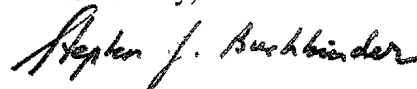
NStar plans to install underground utilities at the site next week. Because of the pending special permit application, I wanted to alert you and others to this fact. Section 4b) of the Preservation Restriction relating to Lots 38 and 39 and recorded with the Middlesex South District Registry of Deeds in Book 14250, Page 422, a copy of which is enclosed herewith, permits the installation of underground utilities on the premises. The plan for this work is as follows:

Monday: trench is dug between front left corner of house to wall in front of property, straight line approximately two feet wide
Tuesday: pipe is run from house to electrical box installed underground at front of yard
Wednesday: trench is backfilled
Thursday: area is re-sodded as needed and re-landscaped to existing condition
Friday: is a flex day to accommodate weather or other delays

My clients advise me that all necessary permits for this work have been obtained.

If you have questions with reference to the foregoing, please let me know.

Sincerely,



Stephen J. Buchbinder

SJB/mer
enclosure

RECEIVED
Newton City Clerk
2014 AUG -8 AM 10:31
David A. Olson, CMC
Newton, MA 02459

SCHLESINGER AND BUCHBINDER, LLP

Ms. Alexandra Ananth
August 7, 2014

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cc: (By Hand, w/enclosure)
Alderman Marc C. Laredo
Alderman Gregory R. Schwartz
Alderman Scott F. Lennon
Alderman Susan S. Albright
Alderman James R. Cote
Alderman John W. Harney
Alderman Deborah Crossley
Alderman Richard A. Lipof
Alderman Allan L. Ciccone, Jr.
Alderman Alison M. Leary
Ms. Linda Finucane
Ouida C. M. Young, Esquire, Associate City Solicitor
Mr. David Norton
Mr. Stephen Pantalone

(By First Class Mail, w/enclosure)
109 Bellevue Street Realty Trust
Ms. Deborah Hart and Mr. Samuel B. Goldstein
Dr. David Rosmarin and Ms. Deborah Lange Rosmarin
Ms. Patricia A. Hinchey
Ms. Wendy Segnalla
101 Bellevue Street Realty Trust
Terrence Morris, Esquire
Mr. and Mrs. Michael Rashes

MAR 31 81 PM 5:57 384E**127C

BK14250 PG422

R8.75 ✓

PRESERVATION RESTRICTION UPON THE "CARRIAGE HOUSE" LOT 38
AND "RILEY HOUSE" LOT 39, NEWTON, MASSACHUSETTS

George A. Naddaff, Trustee of the High Tide Trust, under a Declaration of Trust dated July 28, 1972 and recorded in Book 12257, Page 624, and its successors and assigns, (the "Grantor") grants to the City of Newton, Massachusetts, a municipal corporation, (the "Grantee"), a Preservation Restriction on a parcel of land with improvements in said City, described as follows:

The land and buildings of the High Tide Trust being Lot #38 containing approximately 98,410 square feet, more or less, and Lot #39 containing approximately 46,349 square feet, more or less, having frontage on Bellevue Street, Newton, Massachusetts (the "Property") as shown on a plan entitled "Plan of Land in Newton, Mass. owned by Alfred N. Naddaff, Tr." dated Dec. 4, 1980 by Barnes Engineering Company, Inc., 411 Lexington Street, Auburndale, Mass. to be recorded herewith.

This conveyance is subject to, and with the benefit of, easements, restrictions, covenants, agreements and encumbrances of record, if any, and the Terms of the Preservation Restriction set forth in Schedule 1 attached.

The provisions of this conveyance shall be considered to be severable, and the revocation, termination or modification of any provision of this conveyance of its terms and conditions shall not affect the force, effect or validity of the provision not so revoked, terminated or modified.

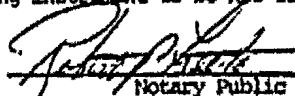

George A. Naddaff, Trustee
High Tide Trust

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 31, 1981

Then personally appeared the above named George A. Naddaff, Trustee of High Tide Trust, and acknowledged the foregoing instrument to be his free act and deed before me,


Notary Public
My commission expires: Nov 21 1982

SEE PLAN IN RECORD BOOK 14250 PAGE 422

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SCHEDULE 1TERMS OF THE PRESERVATION RESTRICTION UPON A PORTION OF
THE LAND OF THE HIGH TIDE TRUST

The terms of the Preservation Restrictions on Lots 38 and 39 are as follows as long as (the Carriage House) Lot 38 contains more than one family:

1. No loam, peat, gravel, sand, rock or other mineral resource or natural deposit shall be excavated or removed from said parcel in such a way as to affect the surface of the property.
2. No trees, grasses or other vegetation shall be cut or otherwise destroyed.
3. In order that the unique architecture style of the Carriage House be reasonably preserved in perpetuity, no substantial alteration to the basic facade of the building shall be undertaken without the prior written consent of the Newton Historical Commission. The requirement of consent by said Commission shall not be construed to prevent interior modifications within the structure.
4. Notwithstanding anything contained in paragraphs 1 through 3, to the contrary, the Grantor and Grantee reserve to themselves, their successors and assigns the right to conduct or permit the following activities on the Property:
 - a) the maintaining of perimeter landscaping in the immediate vicinity of the Carriage House including, without limitation, the planting of trees and shrubs and the mowing of grass;
 - b) the installation of underground utilities;
 - c) the maintenance of the Property including, without limitation, the planting or selective cutting or pruning of trees, brush or other vegetation, and the removal of same, to improve the scenic view and to implement disease prevention measures;
 - d) to take such additional actions as are not contrary to the intent of the granting of this Preservation Restriction subject to the written approval of the Grantee.

The foregoing restriction is authorized by General Laws Ch. 184, Sec. 31-33, and is intended to retain the Property predominantly in its present condition in order to protect the architectural integrity, basic topography, and natural vegetation of a site historically significant for its architecture and associations. Both the Grantor and Grantee, their successors and assigns shall have the right to inspect the Property and enforce the foregoing restrictions, with the right, without obligation, to remedy any violation thereof. The rights hereby granted and reserved shall be in addition to any other remedies to the Grantor and Grantee for the enforcement of the foregoing restriction.