

Middlesex South Registry of Deeds  
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RECEIVED  
NEWTON CIVIL DIV  
2015 FEB 13 PM 1:57  
David A. Olson, Clerk  
Newton, MA 02459

Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.cambridgedeeds.com](http://www.cambridgedeeds.com)

4 pages

#472-14

CITY OF NEWTON

IN BOARD OF ALDERMEN

January 20, 2015

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to expand the sale of food, extend self-service gas sales, modify signage, waive maneuvering aisles and maximum driveway width and to waive landscaping, screening and lighting requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed conversion and extension of nonconforming uses on the site, which will terminate a nonconforming automotive service use and replace it with a gasoline selling station and a retail use that is allowed by right in the zoning district, will not be substantially more detrimental than the existing nonconforming uses are to the neighborhood. (§30-21(b))
2. The requested waivers with regard to the design and dimensional controls for a parking facility are appropriate due to the nature of the gasoline selling station and retail uses and the location of the site on a corner lot. (§30-19(m))
3. The proposed addition of a handicap parking stall will not create a nuisance or serious hazard to vehicles or pedestrians on the site nor in the immediate neighborhood. (§30-24(d)(3))
4. The proposed signage package, consisting of a freestanding sign, a single wall mounted sign, and two canopy signs is appropriate due to the nature of the use of the premises and the location of the site on a corner lot. (§30-20(l))

PETITION NUMBER: #472-14

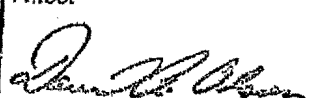
PETITIONER: BNTT, Inc.

LOCATION: 979 Watertown Street, West Newton, on land known as SBL 31,16,15, containing approximately 17,376 sf of land

979 Watertown Street, Newton  
Decd Ref: Book 63393, Page 394

RECEIVED  
NEWTON OFFICE  
2015 JAN 23 PM 1:00  
DAVID A. O'SHEA, CLERK  
NEWTON, MA 02459

RECEIVED  
NEWTON OFFICE  
2015 FEB 11 PM 1:00  
DAVID A. O'SHEA, CLERK  
NEWTON, MA 02459

A True Copy  
Attest  


OWNERS/ADDRESSES: CID Realty, LLC  
177 Nevada Street,  
Newton, MA 02460

TO BE USED FOR: Self-serve gasoline sales and convenience store

CONSTRUCTION: Various materials

EXPLANATORY NOTES: §30-21(b), to allow an extension of nonconforming self-service gas sales and retail; §30-19(h)(3), §30-19(m), to waive the dimensional requirements for maneuvering aisles; §30-19(h)(4)(b) and §30-19(m), to waive maximum driveway width; §30-19(i)(1) and §30-19(m), to waive landscaping and screening requirements; §30-19(j)(1)a) and b) and §30-19(m), to waive lighting requirements; §30-19(l), to approve the proposed sign package; to amend Board Orders #502-64, #394-70, #677-73, #11-93(4) and #278-07.

ZONING: Business 1 District

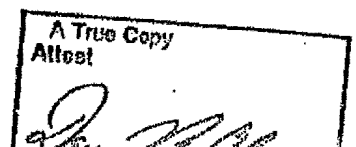
Prior special permits for this property are as follows: Board Orders #502-64, #394-70, #677-73, #11-93(4), #278-07.

This special permit supersedes all prior special permits and consolidates and incorporates herein those conditions and provisions from such prior special permits that remain applicable, are still in full force and effect, and are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit are null and void.

Approved subject to the following conditions:

***Conditions associated with this Special Permit/Site Plan Approval, Board Order #472-14:***

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 by Ayoub Engineering, signed and stamped by Steven M. Pedro, dated November 24, 2014.
  - b. Existing Floor Plan, prepared by Ayoub Engineering, signed and stamped by Steven M. Pedro, dated November 24, 2014.
  - c. Proposed Site Plan, prepared by Ayoub Engineering, signed and stamped by Steven M. Pedro, dated November 25, 2014.
  - d. Proposed Floor Plan, prepared by Ayoub Engineering, signed and stamped by Steven M. Pedro, dated November 24, 2014.
  - e. Proposed Signage Plan, prepared by Ayoub Engineering, signed and stamped by Steven M. Pedro, dated November 24, 2014.



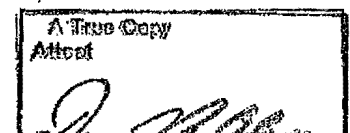
- f. Locus Map, prepared by Ayoub Engineering, signed and stamped by Steven M. Pedro,  
Not dated.
2. The petitioner shall remove all signs not in accordance with the proposed site plans approved in Condition #1.
  3. The petitioner shall construct a vinyl fence along the entire portion of the north property line. All fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
  4. That no vehicles, except those of employees and customers of the gasoline selling station and the retail use shall be parked on the premises.
  5. The petitioner shall conform with the landscaping plan approved in Board Order #11-93, except that there shall be no landscaping along Watertown Street between the landscaped island at the southwestern corner of the site and the landscaped island at the corner of Watertown Street and Eden Avenue. All landscaping shall be maintained in good condition and shall be replaced with similar materials as necessary.
  6. That a dumpster, which shall be screened with a chain-link fence with vinyl slats, shall be located on the north side of the building.
  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 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.
  8. No Final Inspection and/or Occupancy Permit for the portion of the building 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 Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

***No Conditions incorporated from Board Order #502-64.***

***Conditions incorporated from Board Order #394-70:***

9. That the pump and area lights be shielded to prevent light from shining on Watertown Street, Eden Street, or abutting properties.

***No Conditions incorporated from Board Order #677-73.***



*No Conditions incorporated from Board Order #11-93(4).*

*No Conditions incorporated from Board Order #278-07:*

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Baker, Cote, Gentile, and Sangiolo)

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 January 23, 2015. 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.

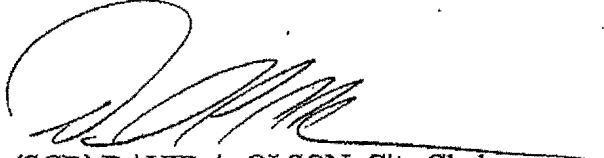
ATTEST:



(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 1/25 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

