

**SCHLESINGER AND
BUCHBINDER, LLP**

ATTORNEYS AT LAW

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
HEATHER G. MERRILL
PAUL N. BELL
KRISTINE H.P. HUNG
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
JONATHAN A. GOLDMAN

TELEPHONE (617) 965-3500
FACSIMILE (617) 965-6824

OF COUNSEL
ROBIN GORENBERG

Email: sjbuchbinder@sab-law.com

June 14, 2013

BY HAND

Ms. Linda Finucane
Chief Committee Clerk
Newton Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Board Order #259-12(4)/Nine Ripley, LLC/9 Ripley Street

Dear Linda,

Enclosed please find a copy of the above-referenced Board Order which was recorded with the Middlesex South District Registry of Deeds on June 13, 2013 in Book 62009, Page 284.

Please feel free to contact me if you have any questions respecting the foregoing.
Best wishes.

Sincerely,



Stephen J. Buchbinder

SJB/mer
Enclosure

cc: (w/enclosure)
Mr. John Lojek, Commissioner
Inspectional Services Department
Ms. Candace Havens, Director
Department of Planning and Development
(w/out enclosure)
Mr. Gregory Cohen
Mr. Corey Bialow

David A. Oison, Clerk
Newton, MA 02459

2013 JUN 18 PM 3:07

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Newton City Clerk

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

Document Number : 126508
Document Type : DECIS
Recorded Date : June 13, 2013
Recorded Time : 12:22:30 PM

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Number of Pages(including cover sheet) : 5
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Recording Fee : \$75.00

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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

CITY OF NEWTON

IN BOARD OF ALDERMEN

May 20, 2013

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 PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings; to waive setback requirements, and to allow parking within the required side setbacks as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The site is an appropriate location for attached dwellings and is consistent with Newton's *Comprehensive Plan* given its location within close proximity to a village center and public transportation. The petitioner is proposing a diversity of unit sizes with the largest unit being driven by the size of the existing historic structure.
2. The use will not adversely affect the neighborhood as the proposed density is in keeping with the allowed neighborhood build out potential, and the diversity in the sizes of the units, ranging from 1,224 sq. ft. to 3,643 sq. ft., is a benefit to the City's housing stock.
3. A side setback of 17.5 feet for the existing dwelling unit and 20.2 and 20.3 feet for the proposed new units, and a rear setback of 16.3 feet for the existing dwelling unit, where 25 foot setbacks are required, are appropriate due to the size and shape of the lot and the location of the existing historic house on the lot.
4. The location of two parking stalls within the required side setbacks will not adversely affect the neighborhood because these parking stalls will be suitably landscaped with plantings and fencing and treated with pavers to minimize their visual impact.
5. The petitioner will restore the mansard roofline on the existing building, preserving the historic character of the original structure on the lot.

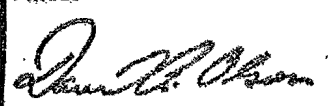
PETITION NUMBER: #259-12(4)

PETITIONER: Nine Ripley LLC

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2013 MAY 23 PM 1:55
David A. Olson, City Clerk
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Newton, MA 02459

Deed Ref: Book 55179, Page 468

A True Copy
Attest

City Clerk of Newton, Mass.

LOCATION: 9 Ripley Street, Ward 6, Newton Centre, on land known as Section 65, Block 19, Section 20, containing approximately 19,367 sq. ft. of land

OWNER: Nine Ripley LLC

ADDRESS OF OWNER: 200 Highland Ave, Suite 401
Needham, MA 02494

TO BE USED FOR: Four single-family attached dwellings

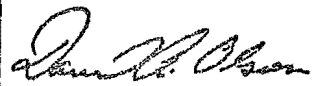
CONSTRUCTION: Wood frame with masonry foundations and asphalt shingle roofs

EXPLANATORY NOTES: Section 30-9(b)(5) to allow attached dwellings in an MR 1 zone; Section 30-9(b)(5)(b) to allow a side setback of 17.5 feet, and a rear setback of 16.3 feet where 25 foot setbacks are required; Section 30-19(g)(1) and 30-19(m) to permit two parking stalls within the side setbacks

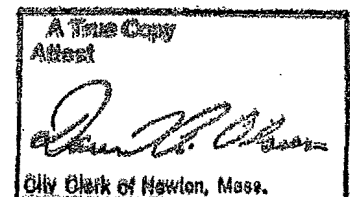
ZONING: Multi-Residence 1 District

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. Area Plan of Land at 9 Ripley St, signed and stamped by Joseph R. Porter, Surveyor, dated 2/05/13
 - b. Topographic Site plan Showing Existing Conditions at 9 Ripley St, signed and stamped by Joseph R. Porter, Surveyor, dated 3/08/11
 - c. Zoning Plan Showing Proposed Conditions at 9 Ripley St, signed and stamped by Joseph R. Porter, Surveyor, dated 8/08/12 and last Revised 2/5/13
 - d. Topographic Site Plan Showing Proposed Conditions at 9 Ripley St, signed and stamped by Joseph R. Porter, Surveyor, dated 8/08/12 and last Revised 2/5/13
 - e. Detail Sheet, signed and stamped by Joseph R. Porter, Surveyor, dated 8/08/12
 - f. Architectural Plan Set, signed and stamped by Eben Kunz, Architect, dated 2/13/13 including
 - i. A100, Rendered Views
 - ii. A101, Unit 1 Floor Plans
 - iii. A102, Proposed Floor Plans Unit 2
 - iv. A103, Proposed Floor Plans Basement & 1st Level, Units 3 & 4
 - v. A104, Proposed Floor Plans 2nd & 3rd Level, Units 3 & 4
 - vi. A105, Building Elevations
 - vii. A106, Building Elevations

A True Copy
Attest

City Clerk of Newton, Mass.

- g. Landscape Plan LND 101, signed and stamped by Kunz Associates, Architects, dated 5/02/13
2. In accordance with the Fire Department, the rear building will be equipped with a fire suppression sprinkler system.
 3. The petitioner will work with the Director of Urban Forestry to comply with the Tree Preservation Ordinance.
 4. The petitioner shall work with the abutting neighbors regarding the height of the fencing on the site and shall have the flexibility to adjust the height of the fencing as shown on the site plan, provided that the height does not violate the City's Fence Ordinance, sec. 5-30.
 5. 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.
 - d. Provided a landscape plan for review and approval by the Director of Planning and Development and the Director of Urban Forestry.
 - e. Submitted a construction management plan for review and approval by the Director of Planning and Development, the Commissioner of Inspectional Services and the City Engineer. Construction vehicles shall make every effort to park on the site during the construction process, particularly between the hours of 8-8:30 AM and 3-3:30 PM. The construction management plan shall also control any parking of construction vehicles that occurs off-site to minimize congestion on the abutting neighborhood streets, and shall control construction traffic to and from the site to prevent conflict between such traffic and school children walking to and from the elementary school located near the site.
 6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - 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 City Engineer, Department of Inspectional Services, and the Department of Planning and Development final as-built plans in digital and paper format, with the latter sealed by a licensed surveyor.
 - c. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer



certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.

- d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final location, number and type of plant materials.

- 7. Notwithstanding the provisions of Condition #6.d., above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development 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

21 yeas 1 nay (Alderman Baker) 1 recused (Alderman Danberg) 1 vacancy

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 May 23, 2013. 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 5/22 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

