

Middlesex South Registry of Deeds  
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Recording Information

Document Number	: 255049
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Recording Fee	: \$105.00

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

15 Riverdale Avenue, Newton, MA (Book 59021, Page 1)

Affidavit Under G.L.C. 183, § 5B

Property Address: 15 Riverdale Avenue, Newton, MA  
Title Reference: Middlesex South District Registry of Deeds Book 59021, Page 1

I, Stephen J. Buchbinder, of Schlesinger and Buchbinder, LLP, 1200 Walnut Street, Newton, Middlesex County, Massachusetts, having personal knowledge of the facts herein stated, under oath depose and say as follows:

The correspondence and related exhibits from Brooke K. Lipsitt, Chairman of the Zoning Board of Appeals for the City of Newton, attached hereto as Exhibit A, respect a modification of Comprehensive Permit Decision #01-20 (the "Comprehensive Permit") recorded with said Deeds in Book 75327, Page 424, and is required to be recorded with the Middlesex South District Registry of Deeds pursuant to the terms of the Comprehensive Permit.

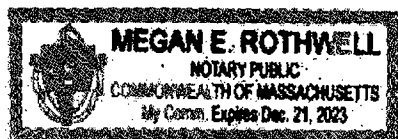
Signed under the pains and penalties of perjury this 22<sup>nd</sup> day of November, 2021.

Stephen J. Buchbinder  
Stephen J. Buchbinder, Esquire

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 22<sup>nd</sup> day of November, 2021, before me, the undersigned notary public, personally appeared Stephen J. Buchbinder, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My commission expires:

**EXHIBIT A**

**CITY OF NEWTON, MASSACHUSETTS**



City Hall  
1000 Commonwealth Avenue, Newton, MA 02459-1449  
Telephone: (617) 796-1120 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086  
www.ci.newton.ma.us

Ruthanne Fuller  
Mayor

**ZONING BOARD OF APPEALS**

Adrianna Henriquez, Board Clerk

**By Email Only**

October 6, 2021

Schlesinger and Buchbinder, LLP  
1200 Walnut Street  
Newton, Massachusetts 02461

Re: Comprehensive Permit #01-20; 15 Riverdale Avenue, Newton – Request for Determination of Insubstantial Change

Dear Stephen:

Pursuant to 760 CMR 56.05(11), this letter serves as written notice with respect to the above-referenced Comprehensive Permit that the Newton Zoning Board of Appeals (“ZBA”) has determined, based on the factors set forth at 750 CMR 56.07(4), that the changes to the approved project set forth in the September 15, 2021 letter received by the ZBA from Stephen Buchbinder on behalf of CPC Land Acquisition Company (the “Request Letter) constitute an insubstantial change. As a result, Comprehensive Permit #01-20 shall be deemed modified to incorporate the changes set forth in Request Letter and the approved project shall be constructed in accordance with changes as set forth in the Request Letter and as shown on the following updated architectural plan: A-102 Overall Level 1, prepared by ICON Architecture and dated September 15, 2021 (the “Revised Plan”). The Revised Plan shall replace plan sheet A-101 listed in Schedule A of Comprehensive Permit #01-20. The Request Letter is attached hereto as Exhibit A and the Revised Plan is attached hereto as Exhibit B.

Very truly yours,

*Brooke Lipsitt*

Brooke K. Lipsitt, Chairman

# EXHIBIT A

**SCHLESINGER AND BUCHBINDER, LLP**  
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
JULIE B. ROSS  
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KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
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1200 Walnut Street  
Newton, Massachusetts 02461-1267  
Telephone (617) 965-3500

www.sab-law.com  
Email: sjbuchbinder@sab-law.com

September 15, 2021

**BY HAND**

Ms. Brooke K. Lipsitt, Chairman  
Zoning Board of Appeals  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: #01-20/Comprehensive Permit for CPC Land Acquisition Company/Request for Determination of Insubstantial Change

Dear Chairman Lipsitt,

On June 17, 2020 the Board of Appeals issued a Comprehensive Permit Decision (#01-20) (“the Decision”) to CPC Land Acquisition Company (“the Applicant”) granting approval for the construction of a mixed-use development known as “Residences on the Charles” containing three new buildings with 204 residential units and associated ancillary tenant and community space.

**Plan Changes**

The Applicant now seeks to make certain modifications to the Decision, and for those modifications to be determined to be insubstantial changes to the Decision in accordance with the factors set forth in 760 CMR 56.05(11) and 760 CMR 56.07(4).

In accordance with said request, the Applicant presents an updated architectural plan A-102 Overall Level 1 (the “revised plan”) prepared by ICON Architecture dated 9/15/2021 to replace plan sheet A -102 which was referenced in Schedule A of the Decision. The revised plan does not contain substantial changes, and thus we are seeking a determination from the Board of Appeals that these changes are insubstantial.

The minor changes, which are the result of progression of the schematic design documents into construction documents, are summarized below.

1. **The overall parking count will decrease by 2 stalls; a new tandem stall and a hybrid loading stall are available to mitigate this reduction.**
  - a. Detailed design of structural elements for Building 1, including columns and shear walls to support the structural building loads, resulted in the loss of 2 stalls – one in Building 1A and one in Building 1B.
  - b. The Applicant notes the potential to designate 1 additional tandem (to be located in front of stall 50 in Building 1A) to offset this reduction.
  - c. The Applicant proposes to change the use of 1 loading stall on Riverdale Avenue to a shared visitor/loading space to mitigate the reduction. Loading activity can be limited to certain hours during the day, outside of which the space will be available for guests.

**SCHLESINGER AND BUCHBINDER, LLP**

Ms. Brooke K. Lipsitt, Chairman  
September 15, 2021

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- 2. 53 undersized parking stalls have been replaced with 51 larger parking spaces.**
  - a. The changes to the parking layouts in Buildings 1 and 2 have resulted in modest increases to the size of 51 parking stalls (along with the above-noted loss of 2 parking stalls).
  - b. 51 garage stalls now measure at least 8.5' x 18', whereas 39 stalls on the approved plan were 8' x 18', 8 stalls were 8.5' x 16', and 6 stalls were 8' x 16'.
  
- 3. 2 stalls require an expansion of the waiver of minimum end aisle maneuvering space.**
  - a. Design changes to Buildings 1A and 1B result in 2 additional stalls (stall 50 in Building 1A and stall 49 in Building 1B) without end aisle maneuvering area pursuant to Section 5.1.8.C.1.
  - b. Both stalls are adjacent to garage doors.
  - c. If the additional tandem stall in Building 1A is approved, that stall would also require this relief.
  
- 4. Neighborhood and tenant amenity space has been reallocated.**
  - a. The layout of the sports court in Building 2 has been modified.
  - b. A community room to be used as a makerspace and/or art gallery has been added to Building 1B.
  - c. Public access to these areas remains the same.
  
- 5. Bicycle parking layout has been altered.**
  - a. The location of indoor and outdoor bicycle parking spaces has changed. However, we are providing a ratio of 1:1 indoor, secured, bicycle parking space per residential unit.

**Insubstantial Change**

The 40B regulations at 760 CMR 56.07(4) (b)-(d) provide commentary and examples to assist a Zoning Board as to what constitutes a substantial or insubstantial change to a comprehensive permit.

As set forth in 56.07(4)(c), the following matters generally constitute a substantial change:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;
4. A change in building type (e.g., garden apartments, townhouses, high-rises); or
5. A change from one form of housing tenure to another.

As set forth in 56.07(4)(d), the following matters generally will not constitute substantial changes:

1. A reduction in the number of housing units proposed;
2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.

The Applicant hereby requests that the Board act on this request within twenty (20) days as is required pursuant to 760 CMR 56.05(11)(a). If it is determined that the above-described revisions to the Decision are insubstantial changes, or if notice is not provided to the Applicant to the contrary within twenty (20) days, the

SCHLESINGER AND BUCHBINDER, LLP

Ms. Brooke K. Lipsitt, Chairman  
September 15, 2021

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Comprehensive Permit shall be deemed modified as requested. The above process does not require a public hearing. A public hearing would only be required if you determine that the requested changes are substantial changes, and if so, and pursuant to the referenced regulations, a public hearing would need to be held within thirty (30) days.

Thank you for your consideration of these requests.

Sincerely,

*Stephen J. Buchbinder*

Stephen J. Buchbinder

Enclosures

cc: (By Hand, w/enclosures)  
Ms. Elizabeth Sweet  
Mr. Michael Rossi  
Mr. Stuart Snyder  
Mr. Treff LaFleche  
Mr. Michael J. Quinn

(By Email, w/enclosures)  
Mr. Jack Englert

(By Hand and By Email, w/enclosures)  
Ms. Adrianna Henriquez Olmsted  
Jonah Temple, Esquire, Assistant City Solicitor  
Ms. Jennifer Caira, Deputy Director of Planning and Development  
Mr. Neil Cronin, Chief Planner, Planning and Development Department

# **EXHIBIT B**



**THE RESIDENCES ON THE CHARLES**

BUILDING 1: 2 LOS ANGELES ST. LOS ANGELES ST.

NEWTON, MA 02459  
CPC LAND ACQUISITION COMPANY, LLC



CONTRACT NO.

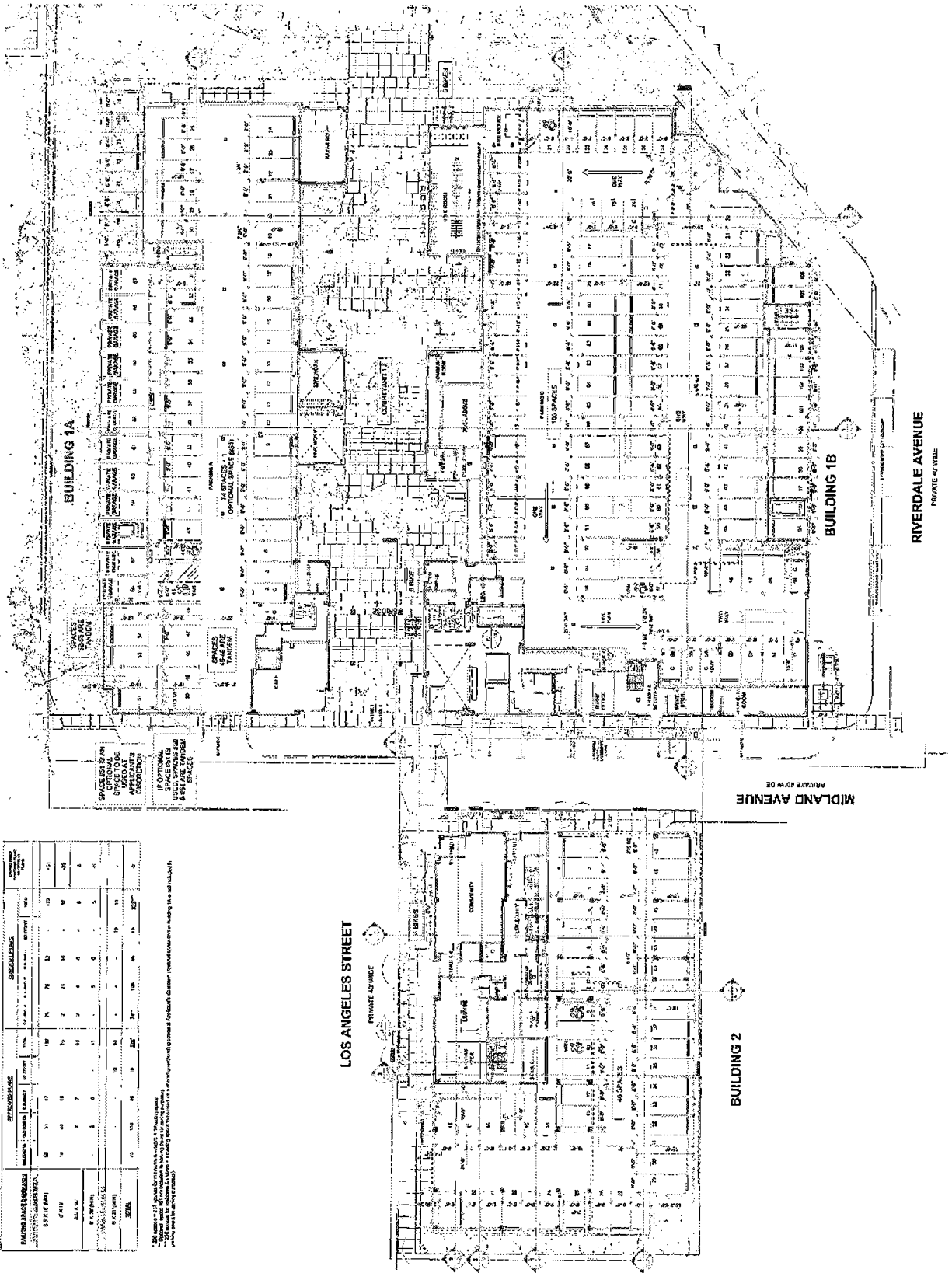
DATE

SCALE

PROJECT NO. 21007  
BUILDING NO. 101/102/103  
CONTRACT NO. 101/102/103  
DATE 10/10/2014  
PROJECT NAME THE RESIDENCES ON THE CHARLES  
PROJECT LOCATION 101 SUMMER ST. BOSTON MA 02110  
PROJECT NUMBER 21007  
DRAWN BY: JF  
CHECKED BY: CHW

OVERALL LEVEL 1

A-102



OVERALL - LEVEL 1  
1/8" = 1'-0"

**FINISH SCHEDULE FOR JOINTS/PARTITIONS**

NO.	DESCRIPTION	FINISH	DATE
1	CEILING	POP	10/10/14
2	WALL	POP	10/10/14
3	FLOOR	POP	10/10/14
4	DOOR	POP	10/10/14
5	WINDOW	POP	10/10/14
6	STAIR	POP	10/10/14
7	ELEVATOR	POP	10/10/14
8	MECHANICAL	POP	10/10/14
9	ELECTRICAL	POP	10/10/14
10	PLUMBING	POP	10/10/14
11	MECHANICAL	POP	10/10/14
12	ELECTRICAL	POP	10/10/14
13	PLUMBING	POP	10/10/14
14	MECHANICAL	POP	10/10/14
15	ELECTRICAL	POP	10/10/14
16	PLUMBING	POP	10/10/14
17	MECHANICAL	POP	10/10/14
18	ELECTRICAL	POP	10/10/14
19	PLUMBING	POP	10/10/14
20	MECHANICAL	POP	10/10/14
21	ELECTRICAL	POP	10/10/14
22	PLUMBING	POP	10/10/14
23	MECHANICAL	POP	10/10/14
24	ELECTRICAL	POP	10/10/14
25	PLUMBING	POP	10/10/14
26	MECHANICAL	POP	10/10/14
27	ELECTRICAL	POP	10/10/14
28	PLUMBING	POP	10/10/14
29	MECHANICAL	POP	10/10/14
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31	PLUMBING	POP	10/10/14
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44	MECHANICAL	POP	10/10/14
45	ELECTRICAL	POP	10/10/14
46	PLUMBING	POP	10/10/14
47	MECHANICAL	POP	10/10/14
48	ELECTRICAL	POP	10/10/14
49	PLUMBING	POP	10/10/14
50	MECHANICAL	POP	10/10/14

NOTES:  
1. ALL FINISHES TO BE IN ACCORDANCE WITH THE FINISH SCHEDULE.  
2. ALL FINISHES TO BE IN ACCORDANCE WITH THE FINISH SCHEDULE.  
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10. ALL FINISHES TO BE IN ACCORDANCE WITH THE FINISH SCHEDULE.

# E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: Schlesinger and Buchbinder, LLP (MAT6TN)

Cost center: MAT6TN

Report generated: 11/23/2021 09:31 AM MST

## Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE	SF	AMT	TOTAL	PROCESSED		
<b>Middlesex South County, MA</b>										
<b>Nov 23, 2021</b>										
<b>Criterion</b>										
Comp Permit #1-20 Insubstantial Change	<i>DECISION</i>	9	E 255049 B 79206 P 347	11/23/2021 10:38 AM EST	Submission Fee	5.00	No fee	0.00	5.00	11/23/2021
						0.00	Recording Fee	105.00	105.00	11/23/2021
						<b>5.00</b>		<b>105.00</b>	<b>110.00</b>	
						<b>5.00</b>		<b>105.00</b>	<b>110.00</b>	
<b>Totals for Middlesex South County, MA</b>						<b>5.00</b>		<b>105.00</b>	<b>110.00</b>	

## Recording Fee Totals

COUNTY	RECORD DATE	SF	AMT	TOTAL
Middlesex South County, MA	11/23/2021	5.00	105.00	110.00
<b>Totals for Middlesex South County, MA</b>		<b>5.00</b>	<b>105.00</b>	<b>110.00</b>
<b>Total of All Recording Fees</b>		<b>5.00</b>	<b>105.00</b>	<b>110.00</b>

Document Count: 1

Package Count: 1

### Questions Contact:

Simplifile Support 800.460.5657, option 3

5072 North 300 West

Provo, UT 84604