

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the proposed construction can be made without substantially derogating from the purpose for which the City of Newton was granted certain restrictions 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, and as amended, the Council hereby agrees to approve the proposed construction, as follows:

PETITION NUMBER: #540-22

PETITIONER: TCD 234 MA Wells Property LLC

LOCATION: 7-57 Wells Avenue Section 84, Block 34, Lot 2B containing approximately 7.8+ acres of land,
75-95 Wells Avenue Section 84, Block 34, Lot 2C containing approximately 12.84 acres of land, and
111 Wells Avenue Section 84, Block 34, Lot 2D containing approximately 8.56+ acres of land

OWNER: TCD 234 MA Wells Property LLC

ADDRESS OF OWNER: 2 International Place Ste 2710
Boston MA 02110

TO BE USED FOR: Three Carports

The Council approves the proposed carports referenced in the plans cited in Condition #1.a with respect to the finished grading and topography, drainage, parking and landscaping affected by the construction, pursuant to paragraph 3 of the restrictions adopted by 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.

Her 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 Council.

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 in accordance with:
 - a. A set of plans prepared by Atlantic Design Engineers Inc., unsigned and unstamped, dated November 11, 2022, consisting of the approximately three (3) sheets titled:
 - i. “Study Plan - 240kWac Canopy7-57 Wells Ave”
2. No Building Permit shall be issued pursuant to this decision until the petitioner has:
 - a. Recorded a certified copy of this decision with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded decision 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.
3. No Final Inspection/Occupancy Permit for the structures covered by this Special Permit/Site Plan Approval shall be issued until the petitioners has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement by a professional engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format signed and stamped by a professional land surveyor.

Under Suspension of Rules
Readings Waived and Adopted

[] Yeas [] Nays

Executive Department
[Date]

City Clerk

Mayor