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Name: Wally

Submitter Package ID: Wally

Municipality: Newton

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Document 1	AMENDMENT	4	\$75.00	E 197366 B 62603 P 245	Tue 09/10/13 8:11 AM EDT	ID	History

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DAVID A. OLSON, CMC
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Newton City Clerk

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

#416-12(3)

CITY OF NEWTON
IN BOARD OF ALDERMEN

August 12, 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 AMENDMENT to SPECIAL PERMIT/SITE PLAN APPROVAL #416-12 to allow for a massage therapy business, or a similar personal service business that meets the conditions described herein, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The Board finds that allowing a massage therapy use or a similar low parking demand/turnover service business at this location would not be substantially more detrimental to the neighborhood than the previous use because the use would generate approximately the same traffic and parking demand as earlier uses of the site.

PETITION NUMBER: #416-12(3)

PETITIONER: Main Gate Realty

LOCATION: 242-244 Commonwealth Avenue, Ward 7, on land known as Section 61, Block 13, Lot 11, containing approximately 7,452 sq. ft. of land

OWNER: Wally Zainoun

ADDRESS OF OWNER: 11 Carter Drive, Natick, MA 01760

TO BE USED FOR: Establishing a massage therapy business as an allowed nonconforming use on the site

CONSTRUCTION: Interior changes only; Wood frame construction with stucco façade and tile roof

EXPLANATORY NOTES: Section 30-21(b) to extend the existing nonconforming uses of office/retail to permit the use of half of the building for massage therapy, or a similar personal service business that

Deed Reference: Book 56883, Page 586

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Attest
David A. O'Connor
City Clerk of Newton, Mass.

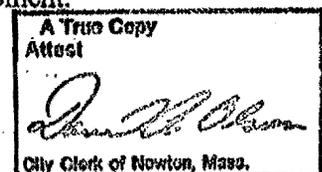
meets the conditions described herein; Section 30-24 to amend the existing special permit (BO 416-12) to allow a massage therapy use on site.

ZONING: Multi-Residence 1 District

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:

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 the plans entitled:
 - a. Certified Plot Plan, 242 Commonwealth Avenue, signed and stamped by Peter Nolan, Professional Land Surveyor, dated December 04, 2012.
 - b. Ground Floor Plan, 242 Commonwealth Avenue, unsigned and unstamped, created by Jay C. Walter, AIA, dated October 17, 2010.
 - c. Site Plan with Proposed Parking Layout, 242 Commonwealth Avenue, unstamped, created by Jay C. Walter, AIA, dated October 17, 2010.
2. The building cannot be rented to more than two separate tenants, limited to office, low parking demand/turnover service, or retail uses.
3. The petitioner shall allocate 2 parking stalls in the rear of the building for each use.
4. No operation of the business is allowed between the hours of 10:00 p.m. and 7:00 a.m.
5. No more than 3 customers for the service use shall be allowed on-site at any one time.
6. No more than 3 staff members for the service use are allowed on the site at any one time during operating hours.
7. There shall be at least 15 minutes between appointments for the service use so that new customers are not arriving on-site before the previous customers have left.
8. No building permit shall be issued *or interior space occupied* 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.
- 9. No occupancy permit for the use 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 surveyor, architect or engineer certifying compliance with Condition #1.

Under Suspension of Rules
 Readings Waived and Approved
 22 yeas 0 nays 1 absent (Alderman Fischman) 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 August 14, 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.

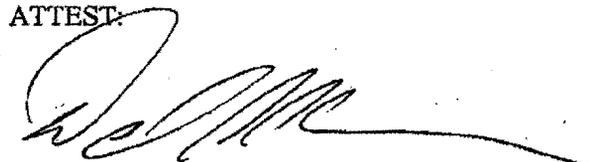
ATTEST:



(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 8/14 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

