City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: February 20, 2025

MEETING DATE: February 25, 2025

TO: Land Use Committee of the City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Deputy Chief Planner

CC: Petitioner

APPLICATION RECORD: https://newtonma.viewpointcloud.com/records/848329

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #480-24 and #481-24 **386-390 Watertown Street**

Petition #480-24 for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 1 parcel as follows: 386-390 Watertown Street from BUSINESS USE 1 to MIXED USE 4.

Petition #481-24 for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a four-story mixed use building with 13 residential units and 14 at grade parking stalls with relief relative to parking and the overall site and building plans at 386-390 Watertown Street

The Land Use Committee (the "Committee") held a public hearing on December 17, 2024 on this petition. This memo reflects additional information addressed to the Planning Department as of February 18, 2025.

BACKGROUND

The subject parcel on Watertown Street has four existing special permits that govern the site. The most recent iteration (approved by City Council at the end of 2024) consists of ten residential units and ground floor retail in a three-story building with 14 surface parking stalls.

The petitioner has requested to rezone the property from Business Use 1 (BU-1) to Mixed Use 4 (MU-4). They also seek to amend their existing special permit to add an additional story with three new dwelling units, resulting in a four-story building with thirteen residential units. One new affordable unit will be provided if this request is approved, for a total of three affordable units. The commercial space will remain on the first floor. No additional or new parking stalls are proposed, and the 14 previously stalls approved under the prior special permit will remain. Under the requested MU-4 zoning, the project requires dimensional relief for the building design, a waiver of seven parking stalls, and other associated relief for the parking configuration.

The first public hearing on this petition was opened and then held on December 17, 2024. In Committee discussion, Councilors discussed the design changes proposed, the potential positive and negative impacts for allowing three additional units and strongly encouraged the petitioner to hold a meeting with community members in the area to discuss the details of the project.

Updates

In advance of the February 25, 2025 public hearing, the petitioner has submitted several supplemental materials including additional renderings and a revised solar study. Planning staff have confirmed that the petitioner held a meeting with community members in attendance where the project was discussed. The project and associated relief required have not changed since the previous Land Use meeting was held for this item in December 2024.

Planning Board Recommendation: At a regularly scheduled meeting on February 3, 2025, the Planning and Development Board voted unanimously (Director Heath abstaining) to recommend approval of the rezoning request from BU-1 to MU-4 **(Attachment A)**.

Renderings: At the previous hearing, several Committee members requested additional renderings of the exterior of the building and site, with a particular interest in seeing more of the rear of the building. The petitioner has provided several new and revised renderings, including perspectives of the rear of the site. While these renderings can serve as a helpful visual aid in understanding the massing of the building and layout of the site, ultimately if approved the governing plans for the project will be the site plans and architectural plans. The petitioner also shared renderings of signs on the site including a convex mirror and caution sign on Watertown Street and a sign in the surface parking area indicating no left turns onto Watertown Street.

Solar study: The petitioner has provided a revised solar study that shows the anticipated shadow impacts in more detail than the study previously submitted.

Project Address: In previous memos and materials City staff have incorrectly referred to this property as 386-394 Watertown Street, based on the petitioner's submissions to the City and the most recent margin reference in a recorded deed. However, the correct legal address is 386-390

Watertown Street. In conferring with the Law Department and Engineering Division of Public Works, staff note that there is no concern or risk that the existing special permit could be exercised beyond the 386-390 parcel because there is no property in Newton with an address of 392 or 394 Watertown Street. The neighboring property has a legal address on Adams Street and coupled with the approved plans in the existing special permit, there is no discrepancy on the actual land the existing special permit covers.

ATTACHMENTS

Attachment A	Planning Board Recommendation
Attachment B	Draft Council Order
Attachment C	Draft Rezoning Order

CITY OF NEWTON
Planning and Development Board

February 6, 2025

To: The Honorable City Council President, Marc Laredo
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

CC: Honorable Newton City Councilors
Planning & Development Board

BCC: Carol Moore, City Clerk
Cassidy Flynn, Deputy City Clerk

SUBJ: Planning & Development Board Recommendation on Docket #480-24, #480-24 Request to Rezone 1 parcel to Mixed Use 4 JOHN L. MULA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 1 parcel as follows: 386-390 Watertown Street from BUSINESS1 to MIXED USE 4

Dear Honorable Council President Laredo:

The Planning and Development Board joined with the Land Use Committee for the December 17, 2024, public hearing on the above petition. Following that public hearing, at the February 3, 2025, regular meeting of the Planning and Development Board, the board voted 5-0-1 (Director Heath abstaining) to recommend approval of this rezoning request from BU1 to MU4.

Sincerely,

Kevin Mc Cormick

Kevin McCormick, Chair

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#481-24
386-390 Watertown Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, 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 amend Special Permit #342-24 to construct a four story mixed use building with 13 residential units and 14 at grade parking stalls with relief relative to parking and the overall site and building plans for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the proposed project and rezoning because it is a mixed-use project located in an area with a variety of uses in a village center. (§7.3.3.C.1)
2. The project as proposed will not adversely affect the neighborhood because it is a mixed-use project in a neighborhood that features a number of buildings that also have ground floor retail with housing above. (§7.3.3.C.2)
3. The project will create no nuisance or serious hazard to vehicles or pedestrians because the curb cut and vehicular access will remain the same as what was previously approved, and no additional parking is proposed. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the parking requirements is not in the public interest because the construction of seven additional parking stalls is inconsistent with the intent of the Mixed Use 4 (MU-4) district, which encourages pedestrian-oriented and compact development. (§5.1.13)
6. By allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents because it will allow for the creation of three additional units. The project does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards because it will allow for an increase in residential units without adding further impervious surface or increasing the footprint of the building. (§4.2.2.A.2, §4.2.5.A.3)
7. The development that exceeds the maximum front setback of 10 feet with a reduced side setback does not create shadows or blocked views that have material and adverse effects on its surroundings because the tallest portion of the building is set back from the street, which helps mitigate the impact of shadows. The project supports pedestrian vitality by allowing for a compact development with a reduced parking ratio and

advances the purposes of the MU-4 district by allowing for development that allows for sufficient density and intensity of uses to support a diverse economic neighborhood. (§4.2.3, §4.2.5.A.4)

8. The proposed building with four stories and 45.5 feet in height is compatible in visual scale to its surroundings because the portion closest to the street is of a comparable height to other buildings nearby. It does not create shadows or blocked views that have material and adverse effects on its surroundings because the shadows will have a similar impact to adjacent buildings. It advances the purposes of the MU-4 district by providing a mixed-use building in a commercial area. (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
9. The requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height does not create shadows or blocked views that have material and adverse effects on its surroundings because those taller portions of the building are set back far enough to not significantly impact shadows cast on the sidewalk and street. The project supports pedestrian vitality and advances the purposes of the MU-4 district by allowing for additional height to accommodate the residential and commercial uses in the building. (§4.2.5.A.4.c)

PETITIONER:	JLM Realty Trust
LOCATION:	386-390 Watertown Street
OWNER:	JLM Realty Trust
ADDRESS OF OWNER:	386 Watertown Street Newton, MA 02458
TO BE USED FOR:	Mixed-Use Development with thirteen dwelling units and 890 square feet of commercial space
RELIEF GRANTED:	Amendment of Special Permit #342-24 per §7.3.3 for the following relief: • Site plan review • Waive minimum lot area per unit • Allow four stories • Allow building height of 45.5 feet and FAR of 1.92 • Allow front setback greater than 10 feet • Reduce side setback requirement • Waive setback for portions of building over 40 feet • Allow ratio of 1.25 parking stalls per unit • Waive 7 parking stalls • Allow restricted end stalls • Allow reduced driveway width • Waive perimeter screening requirements • Waiver lighting requirements
ZONING:	Mixed Use 4 district

The prior special permits for this property are Special Permits #201-17, #134-18, and #302-21, and #342-24. This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in Special Permit #481-24 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:
    a. Proposed Conditions Site Plan signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated 5/24/2024 and revised July 8, 2024.
    b. Parking Schedule, prepared by Ron Jarek, Registered Architect, dated May 24, 2024.

c. Architectural Plans, entitled "Park View Residences" 386-394 Watertown Street, signed and stamped by Ronald F. Jarek, Registered Architect, consisting of the following six (6) sheets, dated May 24, 2024 and submitted Oct 28, 2024:
   i. Sheet SP.104 Roof Plan and Building Section
   ii. Sheet SP.201 Front and Right Elevations
   iii. Sheet SP.202 Left and Rear Elevations

2. The Petitioner, the Project, and the Inclusionary Units shall comply with all applicable provisions of the City's Inclusionary Zoning Ordinance, §5.11, in effect as of the date of this Special Permit/Site Plan Approval, regardless of whether such requirements are set forth herein.

3. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project. The proposed mix of the Inclusionary Units is:

	1BR	2 BR
Inclusionary Units	2	1

   The final bedroom mix shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.

4. The Petitioner shall provide a fractional cash payment in accordance with the City's Inclusionary Zoning Ordinance, §5.11, prior to the issuance of any certificate of occupancy.

5. Monthly housing costs (inclusive of rent, utility costs for heat, water, hot water, and electricity, 1 parking space and access to all amenities offered to tenants in the building), must not exceed 30% of the applicable household income limit for that Inclusionary Unit and shall be consistent with Zoning Ordinance, § 5.11.4.D.1.

6. Prior to commencing any pre-sale or pre-marketing activities, the Petitioner must submit an Affirmative Fair Housing Marketing & Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development. The Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Inclusionary Zoning Ordinance. The units will be affirmatively marketed and leased through a lottery. The nature and extent of the local preference scheme included in any final AFHMP submitted to DHCD for its review and approval shall be in accordance with the applicable provisions of the City's Revised Ordinances and/or Zoning Ordinance governing the percentage of local preferences for Inclusionary Units in a project in effect at the time of such submission to DHCD.

7. Prior to the issuance of any building permits for the Project, the Petitioner shall provide a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development in accordance with §5.11.8 of the Inclusionary Zoning Ordinance.

8. Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner, the City, and if applicable EOHLC will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.

9. To the extent permitted by applicable regulations of DHCD, the Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.

10. The Inclusionary Units shall be designed and constructed subject to the provisions of the Inclusionary Zoning Ordinance, §5.11.7.

11. Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units, and the locations of such units and parking spaces shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.

12. No residential unit shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the Project Master Plans referenced in Condition #1.

13. Any room that meets the minimum dimensional and egress requirements to be considered a bedroom under the state building code and Title 5 regulations shall be counted as a bedroom for purposes of determining the required bedroom mix of the Inclusionary Units in accordance with the Inclusionary Zoning Ordinance.

14. The cost of residential tenant parking for market-rate units shall be charged separately from residential tenant rents, and the rental period cannot commence prior to, nor extend past the end of, the rental period of the unit. At all times, the designated residential parking stalls shall only be rented to current residential tenants. Prior to the issuance of any certificate of occupancy for a market rate unit (temporary or final), the Applicant shall provide evidence of such separation to the Director of Planning and Development.

15. One (1) parking stall shall be available for each Affordable Unit without charge to the tenant of such unit.

16. The petitioner shall install signalization measures for the residential building's parking garage of highly visible parking warning signs designed to increase awareness of potentially hazardous situations and to alert entering and exiting vehicles of any oncoming vehicle(s).

The petitioner shall provide evidence of signalization measures prior to the issuance of a building permit for this project.

17. The Petitioner shall make payments in the aggregate amount of $38,332 to the City for infrastructure improvements for infiltration and inflow (I&I). Payments shall be made as follows:
    a. $19,166 at the issuance of any Building Permit for the Project.
    b. $19,166 at the first dwelling unit certificate of occupancy (temporary or final) in the Project

18. The Petitioner shall make payments in the aggregate amount of $114,995 to the City for off-site transportation, pedestrian, or safety improvements or mitigation in the vicinity of the Project. The Petitioner's payments shall be made to a municipal account dedicated for such mitigation and improvements as follows:
    a. $57,497.50 at the issuance of any Building Permit for the Project.
    b. $57,497.50 at the first dwelling unit certificate of occupancy (temporary or final).

19. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

20. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking.

21. The Petitioner shall communicate regular construction updates to the Ward 1 City Councilors, to the Nonantum Neighborhood Association, and to all immediate abutters during construction, as appropriate.

22. The Petitioner shall do the following to remediate pest and rodent activity:
    a. Prior to issuance of any building permit, the petitioner shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity prior to construction, and plan for preventing pest migration off-site during construction.
    b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Planning and Development Department, Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any building permit.
    c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action necessary to control pest infestation and migration. The Pest Control Operator

shall maintain a written record of all pest control measures performed and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.

d. Prior to issuance of any temporary certificate of occupancy, the Pest Control Operator shall file a final report with the Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site and neighborhood assessment.

e. In the event any construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final) the petitioner shall offer rodent abatement services on an as needed basis for all immediate abutters and a waiver of liability.

23. The Petitioner shall comply with the Vibration Control Ordinance §5-23, as applicable to this project.

24. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13. Interior work may occur at times outside of the hours specified above, but only after the building is fully enclosed.

25. Prior to the issuance of any building permit for the Project, the Petitioner shall submit a Construction Management Plan ("CMP") for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public Works, the City Engineer, and the Chief of the Fire Department. The CMP shall comply with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the final Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

    a. 24-hour contact information for the general contractor of the Project
    b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated milestones and completion dates.
    c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging area(s) for construction and delivery vehicles, and location of any security fencing.
    d. Proposed methods for dust control including, but not limited to, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; and locating a truck washing station to clean muddy wheels on all trucks and construction vehicles before exiting the site.
    e. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize

off-site impacts of noise. Noise-producing staging activities should be located as far as practicable from noise sensitive locations.

f. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.

g. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

26. The Petitioner shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.

27. The Petitioner shall be responsible for repairing any damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.

28. Snow shall not be stored on site.

29. At the Petitioner's sole expense, the Petitioner shall locate all utility service lines on site underground, including any utility service lines along the Project's frontage on Watertown Street if such lines are present, subject to necessary approvals from utility companies.

30. No building permit for the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:

a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.

b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.

d. Received approval from Director of Planning and Development for the Inclusionary Housing Plan and Affirmative Fair Housing and Resident Selection Plan which shall be authorized by the Mayor and provided evidence of submission of the Local Action Unit Application to EOHLC.

e. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.

f. Submitted a copy of the pest and rodent remediation action plan in accordance with Condition #12.

g. Submitted a final Construction Management Plan (CMP) for review and approval in accordance with Condition #14.

h. Submitted a copy of the pest and rodent remediation action plan in accordance with Condition #12.

31. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:

a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.

b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.

c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the Project have been constructed to standards of the City of Newton Public Works Department.

d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.

e. Provided evidence confirming the marketing, lottery, and resident selection for the Inclusionary Units has been completed to the Director of Planning and Development for review and approval.

f. Entered into a Regulatory Agreement and Declaration of Restrictive Covenants for each of the Inclusionary Units with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.

g. Constructed Inclusionary Units and made them available for occupancy coincident with market rate units; such that no more than four market rate units may receive occupancy permits until the corresponding Inclusionary Unit has received its occupancy permit.

h. Provided a fractional payment in accordance with Section 5.11.5.B.

32. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.

33. Provided that all other requirements in Condition #31 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may in their discretion, issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).

CITY OF NEWTON

IN CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

Section 30 of the Revised Ordinances of Newton, as amended, be and is hereby amended by amending sheets of plans entitled "City of Newton, Massachusetts, Amendments to Zoning Plans, adopted July 21, 1951, as amended from time to time," and the City of Newton Official Zoning Map as shown and maintained as part of the City's Geographic Information System (GIS), as amended from time to time, by changing certain boundaries from present zoning district as described below:

Change the following described real estate: all of the land located on land located at 386-390 Watertown Street also identified as Section 14 Block 14 Lots 35, 37 and 38, currently zoned Business Use 1 to Multi Use 4 further described as follows:

PARCEL ONE: The land, together with the buildings thereon, situated in that part of Newton, Middlesex County, Massachusetts, known as Nonantum, with the buildings thereon, bounded and described as follows:

Beginning at the Southeasterly corner of the granted premises, thence running

NORTHERLY fifty-eight (58) feet to land now or formerly of Burofski thence turning and running

WESTERLY by said land now or formerly of Burofski, fifty (50) feet; thence turning and running

SOUTHERLY fifty-eight (58) feet; and thence turning and running

EASTERLY fifty (50) feet; however the same may be described.

Being the Southern portion of the lot of land described in deed of Bacon to Burofski, dated December 27, 1892, recorded with the Middlesex South District Registry of Deeds in Book 2171, Page 305.

PARCEL TWO: A certain parcel of parcel of land, together with the building hereon, situated in Newton, Middlesex County, Massachusetts, being shown as Lot 3 on plan entitled "Subdivision of Land in Newton, Mass., belonging to Amato Pescosolido, Scale: 1"=20', Sept. 1925, Roland H. Barnes and Henry F. Beal, C.E." which plan is duly recorded with the Middlesex South District Registry of Deeds as Plan No. 2 in Plan Book 385, and more particularly described as follows:

Beginning at the Southeasterly corner of the granted premises and running

SOUTHWESTERLY of the granted premises by the land of Holmes to Lot 2 of said plan, thirty-three (33) feet; thence turning and running

NORTHWESTERLY of the granted premises by Lot 2 of said plan, seventy (70) feet to Lot 1 of said plan; thence turning and running

NORTHEASTERLY of the granted premises by part of Lot 1 of said plan, thirty-six and 37/100 (36.37) feet to the land now or formerly of Burofski; and thence turning and running

SOUTHEASTERLY by the granted premises by the land nor or formerly of Burofski, and the land of the grantor, seventy and 09/100 (70.09) feet to the point of beginning; however the same may be described.

Said premises is conveyed to the Grantee by deed of Corey R. Cutler recorded with the Middlesex South District Registry of Deeds herewith.

The zone change areas total approximately 9,542 square feet of land and is shown on the plan entitled “Topographic site plan Newton, Massachusetts Showing Proposed Conditions at #386-#394 Watertown Street” dated July 8, 2024, and prepared by VTP Associates Inc.

This change of zone Order accompanies Special Permit #481-24. The benefits of this change may only be exercised in accordance with the terms of such Special Permit #481-24, as defined therein.

To the extent any provision of this change of zone Order shall be deemed invalid or unenforceable, all remaining provisions shall remain in full force and effect regardless of such invalidity or unenforceability.