

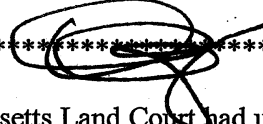
CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DAVID A. OLSON, CMC
Newton, MA 02459

2016 SEP 16 PM 1:41

RECEIVED
Newton City Clerk

DATE: September 16, 2016
TO: City Council
FROM: Ouida C.M. Young, Deputy City Solicitor
RE: *135 Wells Avenue, LLC v. Housing Appeals Committee, Newton Zoning Board of Appeals et al*
Land Court Permit Session No. 16 PS 000034 (RBF)

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Last month we advised you that the Massachusetts Land Court had upheld the ZBA's denial of a Chapter 40B project proposed by Cabot Cabot and Forbes for property located at 135 Wells Avenue. Our memorandum noted that Cabot Cabot and Forbes could, and probably would, appeal the Land Court's decision to the Appeals Court. Unfortunately, the expected appeal has been filed.

Based on our past experience, the Appeals Court could well take a year or longer to issue a decision. Assistant City Solicitor Suzanne Egan will be the lead attorney handling the appeal. Please call Suzanne or me if you have any questions regarding this litigation. Thank you.

cc: Setti D. Warren, Mayor
Dori Zaleznik, CAO
Barney Heath, Director, Planning and Development Dept.