

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, MARCH 11, 2013

7:45 PM - Room 202

ITEMS SCHEDULED FOR DISCUSSION:

The Zoning & Planning and Finance Committees will meet jointly on this item at 8:00pm:

#48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]

Re-appointment by His Honor the Mayor

#25-13 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire January 2, 2016.

Appointment by His Honor the Mayor

#78-13 MICHAEL ROSSI, 20 Rose Drive, West Newton, appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire on February 6, 2014. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

Re-appointment by His Honor the Mayor

#79-13 PETER KILBORN, 31 Buswell Park, Newton, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire on February 7, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

Re-appointment by His Honor the Mayor

#92-13 JOEL FEINBERG, 121 Eastbourne Rd., Newton Centre, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE representing Affordable Housing, for a term to expire February 12, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

Re-appointment by His Honor the Mayor

#93-13 MICHAEL CLARKE, 38 Halcyon Road, Newton Centre, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE representing Open Space, for a term to expire February 12, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]

#316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting
(#53-13) amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. [01/30/13 @ 5:15 PM]

REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @3:17 PM]

ITEMS FOR ZONING REFORM DISCUSSIONS WHEN SCHEDULED:

- #80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
- #220-12 RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a be clarified with respect to “lot width,” “lot area,” or “lot frontage.”
- #219-12 RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”
- #218-12 RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #217-12 RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #216-12 RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
- #154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]
- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #77-13 ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the **City of Newton Zoning Ordinances** so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case, be considered valid non-conforming properties. [02/27/13 @ 3:06 PM]
- #81-13 DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #64-13 NEWTON HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation. [02/05/13 @ 11:35 AM]
- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]
- #391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.
- #260-12 ALD. YATES proposing amendments to Sec. 30-19 to increase the vitality of village centers without adverse impacts on the residential neighborhoods around them. [08-17-12 @ 1:01 PM]
- #406-12 ALD. JOHNSON requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding campaign signs, and the failure of candidates to comply with current removal requirements. [11/19/12 @ 9:24AM]
- #328-12 DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report [10/26/12 @ 11:08 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter.
[10/09/12 @ 2:38 PM]
- #308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @3:59 PM]
- #282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*.
[09-09-12]

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.
[09/10/12 @ 1:17 PM]
- #215-12 ALD. YATES proposing a RESOLUTION requesting that the Planning Department and the Economic Development Commission develop a Main Streets Program following the model of the National Trust for Historic Preservation to revitalize the Newtonville and Newton Centre business districts.
[07-17-12 @2:55PM]
- #214-12 ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment.
[07-09-12]
- #162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen.
[05-17-12 @ 4:18 PM]

- #64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances Sec 30-24(f)(8)b to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]
- #25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word “*subject*” before the word “*lot*”, the word “*and*” before the word “*such*” and the word “*adjoining*” after the word “*such*” so that the paragraph reads as follows:
(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling. [01/30/2012 @ 3:14PM]
- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]
- #153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts. [05- 10-11 @3:19 PM]
- #153-11(2) ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting the map changes necessary to establish certain Retail Overlay Districts around selected village centers. [05-10-11@3:16 PM]

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]
FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services

Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]

FINANCE REFERRED BACK TO ZAP COMMITTEE 3/26/2012

- #183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @ 12:00 PM]
- #153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
- #61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

Respectfully Submitted,

Marcia T. Johnson, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#25-13

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(617) 796-1100

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(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

January 2, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

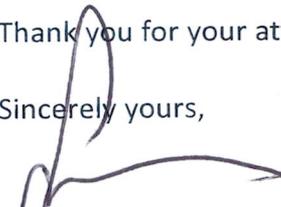
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Newton City Clerk
2013 JAN -3 PM 1:59
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Daniel Green of 46 Glen Avenue, Newton as a member of the Conservation Commission. His term of office shall expire on January 2, 2016 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Application for Committee Appointment City of Newton, MA

Please submit this completed application, or a copy of your resume with a letter stating committee of interest, to
Mayor David B. Cohen, Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.

Name: Daniel Green Date: October 15, 2007

Home Address: 38 Everett St. 02459 Home Phone: () _____

Business Address: 46 Glen Ave 02459 Bus. Phone: () _____

Occupation, if applicable: Real Estate Development

Committee(s) you might wish to serve on: Conservation Commission

What activities or issues interest you? Environmental preservation and conservation, green building, sustainable building, and smart growth.

Relevant expertise, experience, and education: Associate Member of Newton Conservation Commission since March 2003. Currently President of The Green Company (real estate developer including The Gables in Newton on Dedham Street). Previously worked at Disney (during design stage of town of Celebration in Orlando Florida) and JP Morgan in NY. BA from Harvard University and MBA from Duke University's Fuqua School of Business. Board of Newton Conservators local conservation and land trust organization) and The Green Building Initiative (national green building non-profit).

What are your community activities with offices held, if any: Associate Member of Newton Conservation Commission since March 2003. Board of Newton Conservators local conservation and land trust organization) since 2004 and The Green Building Initiative (national green building non-profit) since 2005. Working with Newton neighbor David Carroll on "Keeping Newton Clean and Green" program to reduce litter in Newton Center business and adjacent residential areas. Coach Newton Little League since 2005 and Newton Girls Soccer since 2004.

Please provide the names of three references:

Name	Address	Phone Number
<u>Dan Green</u>	<u>46 Glen Ave 02459</u>	_____
<u>Wallach</u>	<u>5 Broken Tree Rd 02459</u>	_____
<u>Michael Peirce</u>	<u>60 Walnut St. Wellesley, MA 02481</u>	_____

Feel free to add any additional information in support of this application.
While I do not currently vote on the Conservation Commission, I am an active member attending meetings since 2003. Most requests made of the commission involve home renovations, demolition and new construction. On many occasions, my knowledge of construction techniques, area needed for material storage

...ance from home that needs to be disturbed for renovation work, etc. have allowed the commission to ask for less land to be disturbed and to have haybales and silt fence placed in a tighter area to reduce the disturbance effectively. I also appreciate the way the conservation commission operates, helping Newton families to comply with the Wetlands Protection Act while still enabling them to build or renovate the home of their dreams or at least the home of their future family memories. Alan Green, my father, previously held a position on the commission, and with your permission, I would like to bring my business and development expertise to help balance the expertise of the other commission members who excel in legal, education, transportation, biological, chemical and scientific areas. I feel I work well with the other members. We greatly respect and support each other. This is the way I would like to give back to our community, where I was raised since birth and where my wife and I have chosen to raise our four children.

Daniel Green
President, The Green Company

Daniel Green is President and a principal of The Green Company, a Massachusetts-based construction and development firm that creates, designs and builds award-winning residential communities.

Builder Magazine, Professional Builder Magazine, and the National Association of Home Builders (NAHB) have recognized The Green Company with 11 Builder's Choice Design awards (more than any other builder in the country), 14 Best in American Living (BALA) awards, more than 40 National Sales and Marketing awards and 5 business management and customer satisfaction awards.

Green, a third generation builder, graduated from Harvard University and earned his Master's in Business at Duke University's Fuqua School of Business. He is on the board of directors of The Newton Conservators, a local non-profit charged with promoting the preservation of open space and environmentally sensitive areas in the City of Newton, Mass. He also sits on the City of Newton Conservation Commission and City of Newton Community Preservation Committee. He was actively involved in the National Association of Home Builders (NAHB) holding a myriad of appointed positions, including National Center on the Housing Industry trustee and chair of its education subcommittee, as well as Builder Trustee of the National Sales and Marketing Council. He was a member of the Executive Board of the Builders Association of Greater Boston, and was President of the association in 2007. Green is currently a judge and standards writer for the National Housing Quality Award, which is modeled after the Malcolm Baldrige National Quality Award and represents the housing industry's highest recognition for achievements in total quality management.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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swarren@newtonma.gov

February 6, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Michael Rossi as an associate member of the Zoning Board of Appeals. His term of office shall expire on February 6, 2014 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

David A. Olson, CMC
Newton, MA 02459

2013 FEB 19 PM 5:43

RECEIVED
Newton City Clerk

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

MICHAEL ROSSI

20 Rose Drive • Newton, MA 02465

LEGAL EXPERIENCE

CLARK, HUNT, AHERN & EMBRY
Litigation AssociateCambridge, MA
April 2008 to Present

- Represent individual, organizational and corporate clients in general liability, real estate and commercial disputes.
- Manage all aspects of discovery, motion practice, settlement negotiations and trial preparation.
- Analyze statutes, regulations, case law and local ordinances to advise clients of legal rights and liabilities.
- Appear on behalf of property owners before municipal boards, commissions and permit-granting authorities.
- Selected as 2011 and 2012 "Rising Star" in General Litigation by *Law & Politics* and the publishers of *Boston Magazine*.
- Representative matters:
 - Obtained Superior Court order overturning local licensing commission's denial of lodging house license.
 - Successfully defended property owner in civil lawsuit arising from alleged violation of zoning ordinance.
 - Obtained verdict in favor of property owner in jury trial involving breach of warranty of habitability.
 - Brokered favorable settlement for property owner regarding contested relocation of easement.

MORRISON MAHONEY, LLP
Litigation AssociateBoston, MA
August 2006 to April 2008

- Drafted pleadings, motions, written discovery and strategic case evaluations.
- Reviewed claim files and medical records to analyze potential legal claims and defenses.
- Communicated with insurance adjusters and individual clients regarding litigation management and strategy.
- Assisted in trial of three-week traumatic brain injury case; drafted and argued pre-trial motions, prepared expert witnesses for trial testimony, conducted direct and cross-examinations of lay and expert witnesses.

EDUCATION

SUFFOLK UNIVERSITY LAW SCHOOL

Boston, MA

Juris Doctor, May 2006, *Cum Laude*

Honors: Dean's List
Suffolk University Law Review, Note Editor
 National Mock Trial Competition Team, 2005-06
 Jurisprudence Award, Professional Responsibility, 2005
 Distinguished Oral Advocate Award, Legal Practice Skills, 2004
 Finalist, Suffolk Mock Trial Competition, 2004
 Student Prosecutor, Middlesex County District Attorney's Office

THE JOHNS HOPKINS UNIVERSITY

Baltimore, MD

Bachelor of Arts, International Relations, May 2001

Honors: Dean's List
 Chair, Symposium on International Affairs

PROFESSIONAL AND COMMUNITY AFFILIATIONS

- Massachusetts Bar Association; member and volunteer since 2006
- New Hampshire Bar Association; member since 2006
- President, Johns Hopkins University Alumni Association, Boston Chapter
- Boston American Inn of Court; member since 2011

CLARK, HUNT, AHERN & EMBRY

ATTORNEYS AT LAW

BRUCE J. EMBRY
 WILLIAM J. HUNT
 WILLIAM F. AHERN, JR.
 HENRY W. CLARK
 DAVID GRAY HANSON
 JOSHUA D. KRELL
 JANINE BROWN-SMITH
 CHARLES M. CAMPO, JR.

JEREMY Y. WELTMAN
 KATHARINE M. FELLUCA
 MICHAEL J. ROSSI
 CHRISTOPHER A. MYER

 COREY H. SURETT, OF COUNSEL
 MARTHA B.G. LUFKIN, OF COUNSEL
 RODERICK MACLEISH, OF COUNSEL

February 5, 2013

Via Electronic Mail

Ana Gonzalez
 Director of Community Engagements, City of Newton
 Newton City Hall
 1000 Commonwealth Ave
 Newton Centre, MA 02459
 agonzalez@newtonma.gov

Re: Zoning Board of Appeals

Dear Ms. Gonzalez:

Thank you once again for contacting me regarding a vacancy for an alternate member of the Zoning Board of Appeals. I am writing to express my interest in serving in this position. As an attorney experienced in land use law and a life-long Newton resident, I am confident that I could make a valuable contribution to the Board.

I am currently an attorney at the Cambridge law firm of Clark, Hunt, Ahern & Embry. Our firm concentrates primarily in real estate, civil litigation and disability law. I am a member of the firm's litigation department, where my practice focuses on the resolution of general liability, real estate and commercial disputes. Through this work, often in conjunction with our firm's real estate attorneys, I have had significant experience in zoning and land use law. I have represented property owners and project abutters in disputes arising out of zoning violations and appeals, challenges to or defense of easements and other interests in land, and the interpretation of the Massachusetts Zoning Act. I am often called upon to analyze municipal zoning ordinances and by-laws and to reconcile certain provisions with project plans. In doing so, I have become quite familiar with the zoning and permitting process.

By way of example, several years ago, I was one of several attorneys from our firm to represent a non-profit organization in the City of Malden that sought to purchase and renovate a residential facility for disabled adults. The City's building inspector declined to issue a building permit for the project and the Planning Board later denied our client's application for a special permit. With the project in jeopardy, we filed suit on the grounds that the City's wrongful denial of the building permit violated the Dover Amendment to the Massachusetts zoning law. The lawsuit was decided in our client's favor and construction proceeded without interference.

CLARK, HUNT, AHERN & EMBRY

ATTORNEYS AT LAW

Ana Gonzalez
February 5, 2013

More recently, I represented a property owner (also in the City of Malden) who was alleged to have violated the local zoning ordinance by maintaining an illegal apartment in her home. The City also sought to force her to remove plumbing, wiring and walls in her basement, which it alleged had been constructed illegally. After contentious negotiations with the building inspector and the city solicitor regarding the permitted use of the property, the case proceeded to court, where a judge found that my client's home was a legally occupied three-family residence and that a variance permitted her current use of the basement.

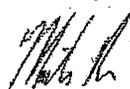
Currently, I am representing a number of abutters who are contesting various municipal projects in their neighborhoods, including a commuter rail layover yard, wind turbine and bicycle lane. My work on behalf of these clients involves intensive review and analysis of zoning ordinances and navigation of the local permitting processes. It is an area of law that I have come to know well and enjoy.

While I am confident that my professional background is well-suited for the work of the ZBA, there are personal reasons driving my interest in becoming a member as well. I was born and raised in Auburndale and am a proud product of the Newton Public Schools (Burr, Day Junior High and Newton North). I now live in West Newton with my wife and two daughters. I love the City of Newton. I have made great friends here and am thankful to have grown up in a community so rich with opportunities. Looking ahead, there is no other place that I can envision raising my children. More than just a place, Newton is home to me. The City has served me well over my lifetime, and I am eager to serve the City in a way that I most ably can. I have thought increasingly over the past several years of finding a way to become more involved in civic affairs given my strong connection to the City. Serving on the ZBA seems to be an ideal match for my skills and interests.

My resume, which is enclosed, contains additional information on my experience. I would welcome the opportunity to discuss service as a member of the ZBA with you and others from your office at your convenience.

Thank you for your time and consideration. I look forward to speaking with you about this opportunity.

Sincerely,



Michael J. Rossi
20 Rose Drive
Newton, MA 02465



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#79-13

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swarren@newtonma.gov

February 7, 2013

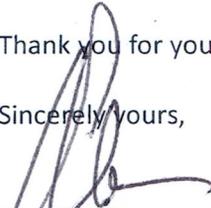
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Peter Kilborn of 31 Buswell Park, Newton as a full member of the Zoning Board of Appeals. His term of office shall expire February 7, 2016 and his reappointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 FEB 19 PM 5:43
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Peter W. Kilborn Resume

Peter Kilborn was the Chief Justice of the Massachusetts Land Court from 1996 until his retirement in 2003. He was an Associate Justice of the Court from 1990 to 1996. Prior to becoming a judge, he was an attorney in private practice, most recently since 1968 at Rackemann, Sawyer & Brewster in Boston, where he was a director and Managing Director. He is a graduate of Harvard College and Harvard Law School. His practice as a lawyer included extensive experience in real estate matters, including title-related issues, leasing, financing, subdivision, zoning, other land-use matters, and other regulatory matters, and bond financing, including representation of major educational and medical institutions in the Boston area. Since leaving the bench, Mr. Kilborn has been active as a mediator and arbitrator, including membership on the panel of neutrals at REBA Dispute Resolution, Inc. and the panel at Mediation Works, Incorporated. He has served as a faculty member in training programs for Massachusetts Continuing Education, Inc., as a court-appointed master, and as a hearing officer for the Commission on Judicial Conduct and the Board of Bar Overseers. He received mediation training at Mediation Works, Incorporated.

He chaired a committee appointed by the Supreme Judicial Court which reviewed the Rules of Judicial Conduct, resulting in revisions to the Code which took effect in 2003.

Mr. Kilborn lives at 31 Buswell Park, Newton, 02458. In December 2010, he was appointed a member of the City's Zoning Reform Group, which is charged with reviewing, and suggesting changes to, the Newton Zoning Ordinance.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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swarren@newtonma.gov

February 12, 2013

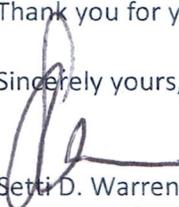
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Joel Feinberg of 121 Eastbourne Road, as member of the Community Preservation Committee representing Affordable Housing. His term of office shall expire February 12, 2016 and his reappointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

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Newton City Clerk
2013 FEB 19 PM 5:44
David A. Olson, OMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

JOEL J. FEINBERG

Address 121 Eastbourne Road
Newton Centre. MA 02459

EMPLOYMENT HISTORY:

Bartlett Hackett Feinberg, P.C., 155 Federal St, 9th Floor, Boston, MA 02110
president and shareholder, May, 1997 - present

Stroock & Stroock & Lavan formerly known as Kaye, Fialkow, Richmond & Rothstein, Boston, MA
1984-1997

Piper and Marbury, Baltimore, MD
September, 1978 - 1984

Various part-time and summer jobs throughout three years of law school

Amalgamated Clothing Workers of America (now "UNITE"), New York, NY
February, 1975 - August. 1975

EDUCATION:

New York University School of Law - J.D. 1978, cum laude
Honors: member, Order of the Coif; Zuckert Law Alumni Scholarship
Public Interest Summer Internship (offer of stipend)

University of Michigan - graduate student (doctoral program)
Fall, 1978 - Medieval and Renaissance history
Honors: Block Grant Fellowship

Johns Hopkins University - B.A. 1974, with general honors -
Major Subjects: history, history of science, history of art
Honors: member, Phi Beta Kappa
Danforth Foundation, letter of commendation
Alfred Sloan Foundation Scholarship

FACULTY:

New England Banking Institute
Seminar leader and lecturer in real estate loan documentation,

Massachusetts Continuing Legal Education
Panels on real estate loan workouts and public and quasi-public financing
Author of text on easements and covenants

AFFILIATIONS

YouthBuild Boston
Board Member, 1997-present

Housing Families, Inc.
Board Member, 2007-2008

Newton Community Development Foundation

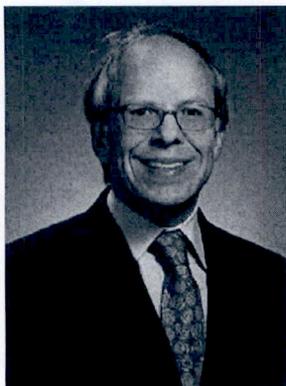
Board Member, 1998-1999

B'nai B'rith New England Realty Unit

Program vice-president and co-president 1995 – 1998

PROFESSIONAL AFFILIATIONS:

- Admitted to practice of law in Massachusetts (1985)
- Admitted to practice of law in Maryland (1978)
- Member, Massachusetts and Boston Bar Associations

Joel J. Feinberg**Practice areas:**

Real Estate Development and Finance.

Bar admission:

Maryland, 1978; Massachusetts, 1986.

Education:

J.D., cum laude, New York University School of Law, 1978.

B.A., with honors, Johns Hopkins University, 1974. Member, Phi Beta Kappa

Joel's practice concentrates in real estate. He has represented buyers and sellers, landlords and tenants, borrowers and lenders, debtors and creditors, developers and government agencies. His expertise extends to the most recent trends in real estate finance and the tax-related issues which often are part of real estate transactions.

Increasingly, Joel's practice has focused on work for community development corporations and non-profit organizations, as well as Massachusetts state agencies and institutional lenders, in community development and affordable housing transactions. He is often involved in multi-party transactions involving layers of public and private debt and equity and the use of governmental programs and tax incentives.

Joel has been a seminar instructor on topics of real estate loan documentation and construction lending. He has been a speaker and moderator on panels dealing with real estate workouts, affordable housing, community reinvestment lending, public financing sources, and environmental law and is a contributing author to *Real Estate Title Practice* in Massachusetts published by Massachusetts Continuing Legal Education. Joel is on the board of YouthBuild Boston and has served on the boards of several other non-profit and community development organizations. He is currently serving as a member of the Newton Community Preservation Committee.

Joel lives in Newton, Massachusetts.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#93-13

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

February 12, 2013

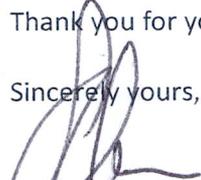
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Michael Clarke of 38 Halcyon Road, Newton as a member of the Community Preservation Committee representing Open Space. His term of office shall expire February 12, 2016 and his reappointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

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DEDICATED TO COMMUNITY EXCELLENCE

Michael J. Clarke, Ph.D. Professor of Chemistry Birthdate: 12/30/46
 Merkert Chemistry Center, Boston College, Chestnut Hill, MA 02467-3860

Education

The Catholic University of America	B.S.	1968	Chemistry
Stanford University	M.S.	1970	Physical Chemistry
Stanford University	Ph.D.	1974	Inorganic Chemistry

Recognitions and Honors

Professional: NSF Program Director for Inorganic, Bioinorganic and Organometallic Chemistry, 2001-2004. Program Officer, 1996-7, 2011
 Co-chair, Metals in Medicine Gordon Research Conference 2002
 NIH Biometallic Study Section Member 1991-1995; 1988-91, 1998-99 *ad hoc*
 Secretary Division of Inorganic Chemistry, American Chemical Society 1995-98
 Editor, *Structure and Bonding*. 1984-1999,
 Editor, *Topics in Bioinorganic Chemistry*, 1999-present
 Editor, *Metal-Based Drugs*, 1992-2000
 Whiting Foundation Fellow, 1984
 NIH Young Investigator Grant Award, 1978-1981

Graduate: Phi Lambda Upsilon, Chemical Honorary Society

Undergraduate: Phi Beta Kappa, Hillebrand Jr. Award, Sigma Xi Award, AIC Medalist

Research Interests

Interactions of transition metal ions with nucleotides, nucleic acids and coenzymes. Transition metals in therapeutic and diagnostic agents. The chemistry of Ru. Electrochemistry of transition metal complexes. Electron transfer involving metal ions and molecules of biological importance.

Experience

June 2001-Sep 2004 and July 2005-July 2008	Program Director, National Science Foundation
Sept 1996-Aug 1997; Jan-Dec, 2011	Program Officer, National Science Foundation Inorg., Bioinorg. & Organomet. Chem. Program
September, 1985 to present:	Professor of Chemistry
September, 1980 to August, 1985	Associate Professor of Chemistry
September, 1976 to August, 1980	Assistant Professor of Chemistry Boston College
September, 1975 to August, 1976	Assistant Professor of Chemistry, Wheaton College, Norton, MA
September, 1974 to August, 1975	Assistant Professor of Chemistry Boston University, Boston, MA.
September, 1972 to August, 1974	Research Assistant with Prof. Henry Taube Stanford University
January, 1971 to September, 1972	Research Clinical Chemist Washington Hospital Center
August, 1970 to January, 1971	Research Chemist Department of Anesthesiology Stanford Medical Center

Courses Taught

CH-109, 111	General Chemistry
CH-117, 118	Honors General Chemistry
CH-161	Life Science Chemistry
CH-520	Principles of Inorganic Chemistry
CH-725	Physical Methods in Chemistry
CH-566	Metalpharmaceuticals and Bio-Inorganic Chemistry
CH-711	Special Topics in Electrochemistry
CH-821, 822	Inorganic Seminar

Other Professional Activities

1. NSF Program Director in Inorganic, Bioinorganic and Organometallic Chemistry, 2001-2008.
2. NSF Program Officer in Inorganic, Bioinorganic and Organometallic Chemistry, 1996-1997.
3. Co-organizer, first Metals in Medicine, Gordon Research Conference, 2002.
4. NIH Study Section Member, Analytical and Biometallic Chemistry (BMT), *ad hoc* 1989, 1990, 1998, permanent member 1991 to 1995
5. Secretary, Division of Inorganic Chemistry, American Chemical Society, 1996-1999
Secretary-Elect. 1995
6. Editor, *Topics in Bioinorganic Chemistry*, 1999-
7. Editor, *Structure and Bonding*, 1982-2000
8. Editor, *Metal-Based Drugs*, 1995-2000
9. Editor, *A.C.S. Division of Inorganic Chemistry Newsletter* 1996-1999.
10. Expert witness patent case.
11. Consultant, Medical Department, Brookhaven National Laboratory, 1982-1994.
12. Consultant, Procept, Inc., Cambridge, MA, 1993-1995.
13. Consultant, Dupont, New England Nuclear, Radiopharmaceutical Products Division 1980-1982.
14. Organizing Committee, Fifth International Conference on Bioinorganic Chemistry, Boston, MA, July, 1989.
15. Organizing Committee, First International Conference on Ruthenium and Other Non-Platinum Metal Complexes in Cancer Chemotherapy, Trieste, Italy, June 30-July 1, 1988.

Memberships

American Chemical Society

Society of Sigma Xi

American Association of Science

Service on University Committees

1.	University Faculty Grievance Committee	Chair	2011-
2.	BC Chapter of AAUP	Exec. VP & Secretary	2009-
3.	University Core Curriculum Committee	Member	2008-2011
4.	University Faculty Hearing Committee	Member	2008
5.	University Safety Oversight Committee	Member	1999-2004
6.	Chemical Hygiene Committee	Member	1993-2001 2004-2005
7.	Radiation Safety Committee	Member	1978-1996 2005-
		Chair	1986-1991
8.	Goals and Organization for Research and Informational Technology Support (GORITS) Committee	Chair	2000-2001
9.	AVP Advisory Council	Alt. Member	2000-2002
10.	Search Committee, Director Academic & Resch. Services	Member	2000
11.	University Research Council	Member	1997-2000
12.	Academic Technology Council	Member	1991-2004
13.	University Academic Council	Member	1994-1996
14.	University Council on Teaching	Member	1995-1996
15.	Educational Policy Committee	Member	1993-1996
	Academic Affairs Committee	Chair	1993-1994
16.	University Radiation Safety Officer		1993-1996
17.	Computer Strategic Planning Comm.	Member	1993-1998
18.	Teaching/Advising Grants Evaluation Committee for University Council on Teaching	Member	1995-1998
19.	Search Committee, University Librarian	Member	1995
20.	Faculty Review Panel	Member	1989-1992
	Chair		1989-1991
21.	<i>Ad hoc</i> Committee of Inquiry into Scientific Misconduct	Member	1992
22.	Instructional Research Computing Committee	Member	1987-89
	<i>Task Forces on:</i>		
	Research Technologies	Chair	1988
	Library Technologies	Member	1988

23.	Faculty Fellowship/Award Committee	Member	1990
24.	Graduate Educational Policy Committee	Member	1986-89
25.	University Library Committee Chair	Member	1986-1988 1987-1988
26.	University Elections Committee	Member	1987-1988
27.	A&S Faculty Senate	Member	1983-1986
28.	Research Awards Review Committee	Member	1982, 1985
29.	Melon Grant Review Committee	Member	1985

Community Service

1.	Newton Community Preservation Committee	Member	2010-
2.	Newton Community Preservation Alliance	Secretary	2000
3.	Newton Parks & Recreation Commission	Alternate Member	1993-present
4.	Newton Bicycle & Pedestrian Task Force	Member Chair	1999-2009 2005
5.	Newton Flowed-Meadow Planning Group	Member	1999-2000
6.	Newton Conservators	Board Member Vice President President Past President	1992-present 1995-1996 1997-1999 1999-2001
7.	Clearbrook Homeowners Association 2004, 2010-present,	Board Member Secretary	1989-2001, 2009-
8.	Metropolitan Boston Health Planning Council	Member Board Member	1981-1985 1984