

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY DECEMBER 12, 2011

7:45pm Room 202

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor:

#389-11 JANE SENDER, 47 Kingswood Road, Auburndale, appointed as a member of the Conservation Commission for a term of office to expire December 31, 2014 (60 days 1/20/12). [11/14/11 @ 1:22PM]

Appointment by His Honor the Mayor:

#390-11 WILLIAM MCLAUGHLIN, 117 Hammond Street, Chestnut Hill, appointed as a member of the Zoning Board of Appeals for a term to expire on September 30, 2012 (60 days 1/20/12). [11/12/11 @ 11:46 AM]

Appointment by His Honor the Mayor:

#391-11 THOMAS PHILLIPS, 139 Algonquin Road, Newton, appointed as a member of the Zoning Board of Appeals for a term to expire on September 20, 2014 (60 days 1/20/12). [11/14/11 @ 4:46 PM]

Appointment by His Honor the Mayor:

#392-11 TREFF LAFLECHE, 86 Prince Street, West Newton, appointed as an *associate* member of the Zoning Board of Appeals for a term to expire December 31, 2012 (60 days 1/20/12). [11/14/11 @ 4:53 PM]

Appointment by His Honor the Mayor:

#393-11 PETER KILBORN, 31 Buswell Park, Newton Corner, appointed as an *associate* member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45 AM]

Appointment by His Honor the Mayor:

#394-11 BARBARA HUGGINS, 122 Albemarle Road, Newtonville, appointed as an *associate* member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45AM]

Appointment by His Honor the Mayor:

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, contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

#395-11 STUART SNYDER, 30 Erie Avenue, Newton Highlands, appointed as an *associate* member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45 AM]

Re-appointment by His Honor the Mayor:

#396-11 BROOKE LIPSETT, 54 Kirkstall Road, Newtonville, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire September 30, 2014 (60 days 1/20/12). [11/12/11 @ 11:46 AM]

Re-appointment by His Honor the Mayor:

#397-11 VINCENT FARINA, 24 Manemet Road, Newton, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire September 1, 2014 (60 days 1/20/12). [11/12/11 @ 11:46 AM]

Re-appointment by His Honor the Mayor:

#398-11 HARVEY CREEM, 110 Huntington Road, Newton Corner, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire February 1, 2013 (60 days 1/20/12). [11/12/11 @ 11:46 AM]

Re-appointment by His Honor the Mayor:

#399-11 JAMES MITCHELL, 83 Countryside Road, Newton Centre, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45 AM]

#81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group's Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]

#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.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#391-09(2) ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

FINANCE VOTED NO ACTION NECESSARY 10/12/11

- #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]
- #207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants. [07/07/09 @ 12:42 PM]
- #411-09 ALD. DANBERG, MANSFIELD, PARKER requesting that §30-19(d)(13) be amended by adopting the Board of License Commissioners' current informal policies, which waive parking stall requirements for a set maximum number of seasonal outdoor seats in restaurants and require that indoor seats be temporarily reduced to compensate for any additional outdoor seats while they are in use, by establishing a by-right limit based on a proportion of existing indoor seats that will allow seasonal outdoor seats to be used without need for additional parking.

THE FOLLOWING ITEMS ARE TO BE CONSIDERED FOR REFERRAL TO THE 2012-2013 BOARD OF ALDERMEN:

- #400-11 ALD. GENTILE, HARNEY, SANGIOLO requesting establishment of a Business 5/Riverside Zone: a mixed-use transit-oriented district at the site of the current Riverside MBTA rail station. The proposed new zone shall allow by special permit a single commercial office building not to exceed 225,000 square feet with a maximum height of 9 stories, two residential buildings not to exceed 290 housing units in total, retail space not to exceed 20,000 square feet, along with a multi-use community center. [11/17/11 @ 3:36 PM]
- #162-11 ALD. YATES requesting a report from the Director of Planning and Development on the status of the update of the *Open Space and Recreation Plan*, particularly as it pertains to the Charles River Pathway. [05/12/11 @ 10:16AM]
REFERRED TO 2012-2013 BOARD
- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @ 8:44AM]

- #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]

- #65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.

- #65-11(2) TERRENCE P. MORRIS & JOSEPH PORTER proposing amendments to the Zoning Ordinance to revise the definition of “height” in Section 30-1 B) and to add a provision in Section 30- 15(m) to allow accessory structure height limits to be waived by special permit. [03-30-11 @ 4:12PM]
(Public Hearing closed 4-25-2011; 90 day expiration July 22, 2011)

- #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]

- #150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. (12/10/10 @9:21AM)

- #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]

- #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]

#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]

REFERRED TO 2012-2013 BOARD

Respectfully Submitted,

Marcia Johnson, Chairman

Jane E. Sender, Esq.

Jane has been President of the Newton Conservators since 2009 and an alternative Member of the Newton Conservation Commission since 2010. She has lived in Newton since 1988.

Jane was the Out of State Attorney Voter Protection co-coordinator for the winning Obama campaign in the State of Florida in 2008. She was formerly a member of the Executive Committee of the Charles River Watershed Association, and was President of the Women's Bar Association of Massachusetts, a 1300 member statewide organization, in 1995-96, and President of the Women's Bar Foundation in 1996-97.

Jane is a graduate of the University of Oxford (Somerville College), and a graduate of the University of Florida College of Law where she was an editor of the Law Review. After law school, Ms. Sender clerked for Henry A. Politz, who was the Chief Judge of the United States Court of Appeals for the Fifth Circuit. She was a litigation associate with Troutman Sanders in Atlanta, Georgia and Posternak, Blankstein & Lund in Boston from 1982 to 1989. She has been a member of the Massachusetts since 1985. She has run her own legal recruiting firm, www.senderlegalsearch.com, since 1995.

Jane is an avid birder and an impassioned advocate for the environment. She recently led a panel discussion for the League of Women Voters on Newton's sewer and flooding issues, as well as participated on a Newton Library Forum on environmental leadership in March, 2011.

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CITY CLERK
NEWTON, MA 02459

William M. McLaughlin

- Newton Resident for 16 years
- Massachusetts Native (grew up in Arlington and Belmont)
- BA in Economics from Harvard College (1986)
- Real Estate Development and Investment Professional for 23 years
 - Extensive Land Use/Zoning Experience
 - Overseen Approx. \$3 Billion in Ground Up Development, Rehabilitation, and Investment
 - Managed Local and State Level Entitlement Processes in over 20 MA communities and elsewhere
 - Frequent Guest Lecturer at Area Graduate School Programs on Topics of Real Estate Development, Investment, and Finance; Affordable Housing; Planning and Zoning Issues.
 - Leading Expert on Mixed Income Housing Development
 - On Board of Managers of Large Somerville MA based Industrial Real Estate Investment LLC.
- Charitable and Other Community Activities Include:
 - Can-Do Advisory Board
 - Newton Wellesley Hospital Board of Overseers
 - Board of Directors, Caritas Communities, Inc.
 - Current or Former Coach, NCLL, NGS, NAA
 - Past Chair, Greater Boston Real Estate Board, Past President, Rental Housing Association
- Married (Linda), with 6 children ages 7-17.

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NEWTON, MA 02159

Thomas J. Phillips

14 Nobscot Road, Newton Centre, Massachusetts 02459
617-964-2444 ♦ tphillips@brownrudnick.com

Commercial Real Estate Attorney

Commercial real estate attorney admitted to practice in Massachusetts. Practice includes representing owners, developers, institutions, tenants, lenders and other businesses and high net worth individuals in a variety of sophisticated real estate transactions, including purchases and sales, leases, debt financings, joint ventures and equity financings, workouts and restructurings, development transactions and zoning, permitting and land use projects.

Brown Rudnick LLP, Boston, MA, 2002 – present

- *Partner and Chair of Real Estate Practice of 220-attorney law firm operating in six cities.*

Hutchins, Wheeler & Dittmar P.C., Boston, MA, 2000 – 2002

- *Partner and Chair of Real Estate Department of 120-attorney law firm.*

Sullivan & Worcester LLP, Boston, MA, 1997 – 2000

- *Partner in Real Estate Department.*

Goodwin, Procter & Hoar LLP, Boston, MA, 1987 – 1997

- *Associate in Real Estate and Corporate Departments.*

Professional Recognitions

Chambers USA: America's Leading Lawyers for Business, 2010 – present

Woodward/White: The Best Lawyers in America, 2011

Thomson Reuters: Super Lawyers, 2004 - present

Professional Organizations

International Council of Shopping Centers (ICSC)

- *State Director for Massachusetts, Maine, New Hampshire, Rhode Island and Vermont, 2009 – present*
- *Chair, New England Idea Exchange conference, 2009*
- *Next Generation Chair, Eastern Division, 2007 – 2009*
- *Next Generation Advisory Board, 2005 – 2010*

National Association of Industrial and Office Properties (NAIOP)

Real Estate Finance Association (REFA)

Real Estate Bar Association (REBA)

American Bar Association

Massachusetts Bar Association

- *Property Law Section Council, 1995 - 1998*

Boston Bar Association

National Retail Tenants Association (NRTA)

Retailers Association of Massachusetts (RAM)

Speaking Engagements

CLE International

- *Assignment of Leases and Subletting, Negotiating Leases Conference, Boston, MA, September 2002 and September 2003*
- *Retail Leasing Workshop, Negotiating Leases Conference, Boston, MA, May 2005, May 2006 and October 2007*

National Retail Tenants Association

- *Hot Topics in Retail Leasing and Development, NRTA Boston Regional Meeting, May 2003*

International Council of Shopping Centers

- *Whose Shopping Center is it Anyway: Who Controls the Uses?, ICSC Retail Leasing Symposium, Boston, MA, December 2004*
- *The Development Process, ICSC New England Idea Exchange / Next Generation Breakfast Panel, Boston, MA, July 2006*
- *Legal Issues in Mixed-Use Developments, ICSC Retail Leasing Symposium, Boston, MA, January 2007*
- *Deal or No Deal: Live Ground Lease Letter of Intent Negotiation, ICSC Spring Convention Workshop Session, Las Vegas NV, May 2007*

Massachusetts Continuing Legal Education

- *Lease Renegotiations and Exit Strategies, Hot Topics in the Real Estate Downturn seminar, Boston MA, April 2009*

Community

Zoning Board of Appeals, Newton, MA

- *Associate Member, 2008 – present*

Combined Jewish Philanthropies (Real Estate, Construction and Design Team)

- *Campaign Co-Chair, 2010*
- *Annual Dinner Co-Chair, 2009*
- *Annual Market Update Co-Chair, 2008*

Temple Emanuel, Newton, MA

- *Annual Appeal Committee, 2008 - present*

Education

Boston University School of Law, Boston, MA

- *J.D., 1987*
- *Editor, Boston University Law Review*

Bowdoin College, Brunswick ME

- *A.B., 1984*
- *Dean's List*

Personal

- Raised in Haverhill MA
- Newton resident since 1995
- Married with two teenage children
- Interests include hiking, biking, genealogy, sports memorabilia and following all Boston sporting teams

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TREFFLE E. LAFLECHE, AIA, LEED AP

Principal



Treff's professional experience has focused on providing client focused and context sensitive design and project management services. Treff has achieved local and national recognition for his expertise in the merging of historic and contemporary aspects of New England residential and institutional architecture. He is a creative leader in a collaborative search for appropriate design solutions. His dedication to excellence is evident from the smallest detail to the broadest planning gesture.

COMMUNITY EXPERIENCE

City of Newton FAR Zoning Working Group

This 7-person team of Newton professionals and citizens has been working closely with the Newton Planning and Inspectional Services departments as well as Newton ZAP to examine, evaluate and make recommendations regarding current FAR regulations in response to the elimination of Footnote 7 in the Newton Zoning Ordinances.

Chair, Historic Newton Capital Campaign Steering Committee

This sub-committee of the Joint Board of Historic Newton is responsible for raising the \$5.5M Historic Newton Capital Campaign goal.

Member, Historic Newton Board of Directors

Durant-Kenrick Homestead & Grounds Transition Committee

This sub-committee of the Joint Board of Historic Newton is responsible for the design, public approval, acquisition and construction of the restoration and renovation of the historic 1732 Durant-Kenrick Homestead & Grounds in the City of Newton.

PROJECT EXPERIENCE

Jesuit Community of the Weston School of Theology, Boston, MA

Residences for 65 members of the Jesuit Community on Boston College's Brighton Campus

Appalachian Mountain Club, Crawford Notch, NH

Highland Center Lodge and Education Center, in collaboration with Carlone & Associates

First Unitarian Society in Newton, Newton, MA

Master plan, exterior and interior renovations

First Parish Unitarian Universalist, Beverly, MA

Master plan and feasibility study

Marist Brothers Retirement Community, Framingham, MA

Housing, dining and chapel

Commonwealth School, Boston, MA

Multiple Renovations including; dining room, kitchen, library, and science labs

Lesley University, Cambridge, MA

Office of Student Affairs, renovation and addition

Private Residences throughout New England



Professional Experience

LDA Architects, LLP, Cambridge, MA, 1992-Present

Education

University of Virginia
Master of Architecture, 1987

Dartmouth College

Bachelor of Arts, 1977

Certification

Registered Architect
Massachusetts, New Hampshire, Maine, Connecticut, New York, South Carolina

NCARB Certified, 2000

Teaching

Boston Architectural Center
Design Instructor/Thesis Advisor

University of Virginia School of
Architecture Studio Instructor

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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.

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.

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Barbara Huggins

Academic

*Master of Arts
Tufts University
Graduate Department of
Urban and Environmental
Policy and Planning*

*Juris Doctor
Boston University
School of Law*

*Bachelor of Arts
University of Pennsylvania*

Professional

*Admitted to the bar
in Massachusetts
and Mississippi*

INTRODUCTION

Barbara Huggins is a partner in the law firm of Huggins and Witten, LLC, where her practice includes municipal and land use law. Prior to joining the firm, then Daley and Witten, Ms. Huggins served as Law Clerk to the Hon. Mark V. Green, then-Associate Justice of the Massachusetts Land Court; as Law Clerk to Hon. Joseph Trainor and Janice Berry, Associate Justices of the Massachusetts Appeals Court; and as Editor of Landplanner Magazine and the Land Court Reporter. She has a masters degree in planning from the Tufts Department of Urban and Environmental Policy and Planning, where she wrote her thesis on Chapter 40R and Chapter 40B. While pursuing her planning degree, she interned in the Newton Planning Department for the Zoning Administrator. Recent civic activity includes serving on the Zoning Task Force appointed by the Board of Alderman, examining the "de minimis" rule in the Zoning Ordinance. She has a daughter in the F.A. Day Middle School and Newton Youth Hockey.

REPRESENTATIVE PROJECTS

Town Counsel: Town of Stow, Massachusetts 2005-Present:
Represents the Town of Stow in legal matters relating to zoning, land use, subdivision control, permitting, and telecommunications.

Town Counsel: Town of Marion, Massachusetts 2005- Present:
Represents the Town of Marion in legal matters relating to zoning, land use, subdivision control, and permitting.

Special Town Counsel: Town of Middleborough, Massachusetts 2005- Present: Represents to Board of Appeals for legal matters relating to comprehensive permit applications and appeals.

Special City Solicitor: City of Amesbury, Massachusetts 2005-Present: Represents the City of Amesbury for legal matters relating to comprehensive permit applications and appeals.

Special City Solicitor: City of Gloucester, Massachusetts 2009-Present: Represents City of Gloucester in an appeal from a comprehensive permit decision by the Housing Appeals Committee.

Special Town Counsel: Towns of Wareham and Bourne, Massachusetts 2005-Present: Represents Towns' Boards of Appeals for legal matters relating to comprehensive permit applications.

Barbara Huggins
122 Albemarle Road
Newton MA 02460

PRIOR EMPLOYMENT

Intern: Department of Planning and Development, City of Newton, Massachusetts Spring 2005: Reviewed applications for residential construction under city ordinance, and researched and drafted memoranda on zoning topics.

Law Clerk: Massachusetts Appeals Court 2001-2003: Law clerk to the Hon. Joseph Trainor and the Hon. Janis Berry.

Editor, Department of Environmental Protection Reporter and Land Court Reporter; Editor-in-Chief, Landplanner Magazine. 1999-2000: Prepared case summaries and digest entries for decisions issued by the Land Court and the DEP, including cases under the state Wetlands Protection Act. Prepared and edited articles on issues arising from zoning, development, and the permitting process for Landplanner Magazine.

Law Clerk: Land Court Department, Trial Court of Massachusetts 1997-1999. Law clerk to Hon. Mark Green. Court's jurisdiction includes zoning and subdivision control law.

Associate, Maxey Wann & Begley, Jackson, MS 1994-1995
Practice focused on administrative, gaming, and business law.

Senior Staff Attorney, Mississippi Supreme Court, Jackson, MS. 1995-1996. Prepared memoranda on cases and motions before the Court. Drafted and edited opinions and orders for publication.

CITY CLERK
NEWTON, MA. 02159

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STUART L. SNYDER

Professional Experience

Law Office of Stuart L. Snyder, P.C., Wellesley, MA

1996 to present

- Thousands of residential and commercial real estate transactions: buyer/seller representation; preparation/review of offers and purchase and sale agreements; compliance with time-sensitive pre-closing and post-closing lender documentation requirements and correspondent instructions (purchases and refinances); review of title reports; identification/resolution of title clouds and defects; examination of surveys/mortgage inspections; preparation of zoning opinions; negotiation with title insurance companies regarding risk and coverage – drafting affirmative policy language and exceptions to coverage; 1031 exchanges.
- Title insurance issuing agent for Old Republic National Title Insurance Company. Also have been agent for Lawyers Title Insurance Company, Ticor Title Insurance Company and First America Title Insurance Company.
- Residential landlord/tenant matters: preparation/review of residential and commercial leases; advice regarding landlord/tenant rights/responsibilities; dozens of residential Summary Process cases, including trials in District Court and Housing Court
- Client representation before municipal boards
- Chapter 93A consumer protections claims
- Managed two offices, including as many as four paralegals/support staff.

Law Office of Goldman & Goldman, Swampscott, MA

1991 to 1996

- Civil Litigation: responsible for client representation in lawsuits arising from all areas of firm's general practice, including: banking matters; condominium fee collections; landlord/tenant matters; claims against estates; individual and corporate matters. Tried and won first Superior Court jury trial.
- Real Estate: represented individual clients and lenders in closings for residential and commercial transactions. Conducted foreclosures.

Law Office of Englander & Sooho, Newton, MA

1990 to 1991

- As sole associate of two partners, involved at all levels in litigation of diverse matters stemming from general practice focused on civil litigation, domestic relations and real estate. Appeared in court for trials, pre-trial conferences, and motions. Met with clients, negotiated with opposing counsel, conducted legal research, attended depositions, and drafted litigation related documents.

Trained Mediator

- Completed forty hours of mediation training in accordance with M.G.L. ch. 233, § 23C with Mediation Works, Incorporated, Boston, MA in March, 2008.

Bar Membership

U.S. District Court for the District of Massachusetts, 1991
Commonwealth of Massachusetts, 1990

Education

Suffolk University Law School, Boston, MA
J.D., 1990

Honors: ATLA National Trial Team, Regional Semi-Finalist
Third Year Mock Trial Competition, Semi-Finalist
First Year Moot Court Competition, Best Oral Advocate

Skidmore College, Saratoga Springs, NY
B.A., English/Philosophy, 1986

Honors: Dean's List

Activities: Social Integrity Board, Appointed Chairperson
Academic Integrity Board, Elected Member

Volunteer Work

Newton Girls Soccer, Coach/Grade Coordinator

West End House Girls Camp, Inc., Board of Directors

Congregation Dorshei Tzedek, Former member of Board of Directors/Former Chair of Space Committee

City of Newton, Planning and Development Board, Alternate Member

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CITY CLERK
NEWTON, MA 02159

BROOKE K. LIPSITT

Personal

50-year Newton resident
 Married to Paul Lipsitt, LL.B., Ph.D., a forensic
 psychologist
 Mother of Sarah Lipsitt, M.A., teacher, Newton Public
 Schools
 Graduate of Newton High School, 1959
 A.B. from Pembroke College, Brown University (major in
 International Relations), 1963
 2006 recipient (with husband, Paul D. Lipsitt) of the
 Community Service and Training Award, presented by the
 Massachusetts School of Professional Psychology

Newton Board of Aldermen

Alderman-at-Large, Ward 7, 1992-2003
 President, 1998-2003
 Chairman, Post Audit & Oversight Committee, 1994-5
 Vice Chairman, Land Use Committee, 1992-3; 1996-7

Current Community Involvement

Newton Zoning Board of Appeals, Associate Member, 2005-08;
 Member, 2008-; Vice Chair, 2009-; Chair, 40B Task
 Force, 2009-
 Green Decade Coalition/Newton, Founding Member; Steering
 Committee, 1990-; Clerk, 2008-
 High Performance Building Coalition, Founding Co-Chairman,
 2004-08; member, 2008-
 Newton Communications Access Center, Inc., Board of
 Directors, 2004-; Finance Committee, 2006-; Vice
 President, 2006-; Executive Committee, 2006-
 Newton Historical Society, Strategic Planning Committee,
 2004; Board of Directors, 2005-2008, 2009-; Clerk,
 2010-; Executive Committee, 2010-; Chair, Durant
 Kenrick Transition Committee, 2010-
 Jewish Alliance for Law and Social Action, Board of
 Directors, 2007-2008; Advisory Committee, 2008-;
 REACH (Refuge, Education, Advocacy, and Change) Beyond
 Domestic Violence, Advisory Committee, 2003-
 UCHAN (Uniting Citizens for Housing Affordability in
 Newton), Member, 2002-; Treasurer, 2004-05
 Strategic Planning Committee, 2011-
 Social Science Club of Newton, 1993-; Auditor, 1995-96;
 Chairman, Scholarship Committee, 1996-97;
 Vice President, 2002-04; President, 2004-06;

Director, 2006-08; Chairman, Finance Committee, 2008-10

Prior Community Involvement

Comprehensive Plan Mixed Use Task Force, 2010
Sustainable Newton Advisory Committee, 2003-09
Newton Symphony Orchestra, Board of Trustees, 1996-2006
Newton Free Library, Policy & Planning Committee, 2004
Massachusetts Municipal Association, member, Environmental
Policy Committee, 2003
Brown University, National Alumni Schools Program volunteer,
1982-98; Alumnae President, Class of 1963, 1973-78;
Vice President, 1998-2003
Traveling Meals, volunteer, 1993-99
Cooperative Living of Newton, Advisory Board, 1995-98
Bicycle-Pedestrian Task Force, Founding Chairman, 1994-96
Day Junior High School PTA Board, 1992-3
Underwood Elementary School PTA, Board Member, 1985-91;
Treasurer, 1987-91
Chairman, Mayor's Steering Committee on the Peace Dividend,
1990
Watertown Cooperative Nursery School, Board of Directors,
1983-85; President, 1984-85
People's Theatre, Cambridge, Board of Directors, 1982-84;
Clerk, 1983-84

Political Involvement

Ward 2, Democratic City Committee, member, 2008-; Treasurer,
2011-
Ward 7, Democratic City Committee, member, 1988-2008;
Secretary, 1991-96; Vice President, 1996-2006
Mass Equality, Board of Directors, 2005-08; Chair,
Nominating Committee, 2006-07
Newton Action for Nuclear Disarmament, 1981-92; Political
Action Coordinator, 1982-84; Treasurer,
1985-88; President, 1986-91
Massachusetts Sane Freeze, Board of Directors, 1986-1990
Massachusetts Freeze Voter Education Fund, President,
1986-89
Massachusetts Freeze Voter, Co-Founder; Executive
Committee, 1983-88
Disarmament Action Network, Steering Committee, 1985-88
Arms Control Advisory Committee to Senator John F. Kerry,
1985-87
Peace Boutique, Newton, Steering Committee, 1974-75
Campaign "junkie": volunteer or staff member on numerous
local and national political and issues campaigns

Professional Experience

The First Years, Avon, MA

Marketing Manager, 1978-80
Product Manager, 1977-78

Committee to Elect U.S. Congressman Robert F. Drinan
Assistant Campaign Manager, Administration, 1976
Office Manager, 1974

Eve of Roma, Division of the Gillette Company, Boston
Sales Promotion Coordinator, 1970-71
Assistant Product Manager, 1968-70

Selame Associates, Newton
Program Coordinator, 1967-68

Buyers Laboratory, Inc., New York, NY
Assistant Director, 1966-67
Director of Research, 1966-67
Assistant Director of Research, 1964-66

Policy interests

Affordable housing, environment, civil liberties, education,
transportation

August, 2011

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NEWTON, MA 02459

Vincent Farina

OBJECTIVE: To continue to utilize my experience as a residential real estate broker in the City of Newton and surrounding communities

EXPERIENCE:

2005-present **COLDWELL BANKER RESIDENTIAL REAL ESTATE BROKER**

1991-2005 **PARSONS BRINCKERHOFF QUADE AND DOUGLAS**

1998-2005 **Field Engineer**

Provide construction oversight and quality control for the immersed tube tunnel construction portion of Boston's Central Artery Third Harbor Tunnel Project. Monitored construction activities associated with dredging the Fort Point Channel, drilled shaft construction, immersed tube tunnel construction including float out and docking procedures and attached cast in place cut and cover concrete construction.

1991-1998 **Property Management Supervisor**

Responsible for providing overall activities and services in the area of Facilities Management. Responsibilities include, but are not limited to: management of services for and coordinate use of Right of Way properties with construction, Massachusetts Highway Department, Massachusetts Port Authority, the City of Boston, Massachusetts Bay Transportation Authority and the Massachusetts Turnpike Authority; lease negotiations for and management of Central Artery/Third Harbor Tunnel Project occupied buildings; administration of property management contracts; coordination of major office relocations. Act as General Contractor for office build out for Bechtel/Parsons Brinckerhoff and Massachusetts Highway Department Right of Way and project leased properties.

WANG LABORATORIES, INC. 1984-1991

1988-1991 **Regional Facilities Manager, Northeast Region**

Actively managed over 22 facilities from Maine to Delaware. Particular responsibilities included consolidations, relocations, lease negotiations and administration, construction and building maintenance contracts.

1987-1988 **Facility Manager**

Managed the Boston and Lawrence facilities. Responsible for contract negotiations with all vendors utilized in the operation of both facilities. Assumed responsibility for the departmental budget. Managed a staff of 23 electric, HVAC, general maintenance and custodial personnel.

1985-1987 **Manager, Corporate Mail Service**

Redesigned corporate mail services department. Developed a cost cutting, time sensitive method for the distribution of internal/external mail.

- 1984-1985 Facilities Supervisor**
Responsible for general maintenance of the Lowell Towers Headquarters. Responsibilities included construction, consolidation and relocation of personnel, office systems and furniture.
- 1978-1984 DUNKIN DONUTS FRANCHISE**
Owned and operated a Dunkin Donuts franchise. Responsible for the financial reporting, inventory, production and development of extensive retail business.
- 1964-1978 JAMES FARINA CORPORATION**
Started as a Field Engineer. Responsible for building and road layouts, lines and grades. Developed my construction career to the position of Superintendent. Overall manager of the Harvard Garage construction, Everett Street, Cambridge. Managed the concrete sub-contract for the New England Medial Center Dental Tower, Boston, and St. Joseph's Hospital addition, Lowell.

EDUCATION: Wentworth Institute - 1961
Construction Management

ADDITIONAL COURSES: Harvard University Graduate School of Design - 1990
Fundamentals of Real Estate Investment Analysis - 1990
Managing at Wang - 1987
Managing Effective Communications, Wang Laboratories - 1986
Conflict Management, Wang Laboratories - 1985
Several classes through Bechtel/Parsons Brinckerhoff
Several management courses with Parsons Brinckerhoff

LICENSE: Mass. Construction Supervisor, License No. 024113
Mass. Real Estate Brokers License. License No. 46531

Activities Current member Newton Zoning Board of Appeals

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HARVEY A. CREEM

Business Experience

For in excess of thirty years, I have been providing business advice to corporate management, boards of directors, corporate counsel, and to my peers. My perspective on problem solving has been influenced by my work experience as an auditor and business adviser, as a workout and restructuring adviser, as an expert witness, and as the risk management leader for my Firm.

I was associated with PricewaterhouseCoopers (and its predecessor Coopers & Lybrand) between 1966 and 2002; I was a partner in the Firm for twenty-nine years. For the first twelve to fifteen years, I had responsibility for my Firm's providing audit and consulting services to my clients. In this capacity, I worked with large entities, start-ups, and those in between; I worked with public entities, closely held entities, and family owned entities. I helped my clients go public, acquire businesses, raise funds, sell their businesses, and to improve control of their operations. During the following ten years, I switched my focus to emphasize business reorganizations and restructurings (both within and without of bankruptcy proceedings), investigations of alleged fraud and financial misrepresentation, investigations of business claims and expert witness testimony related thereto. In this capacity, my clients were corporate management, trustees, lenders, and attorneys. The last seven years of my career were as the Firm's US leader for internal risk management matters. In this later capacity, I consulted with my partners as to business risks and our Firm's response thereto.

At all times as a partner in the Firm, one of my assignments was to help other partners think through difficult accounting and business problems.

Other Experience and Associations:

I commenced work with PricewaterhouseCoopers after having attained an MBA from Harvard Business School and a Bachelor of Science in Business Administration from Boston University. I am a Certified Public Accountant and a Certified Fraud Examiner.

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#399-11

Application for Committee Appointment City of Newton, MA



Name: James H. Mitchell

Date: November 30, 2006

Wife: Nancy Brunell Mitchell, Esq. – Assistant General Counsel, Commonwealth of Massachusetts
Department of Conservation & Recreation (1979-Present)

Children: Jenna NSHS '02, Cornell '06, Columbia '07
Emily NSHS '04, Cornell '08

Occupation, if applicable: Lawyer & Partner in Real Estate Management & Development firm

Committee(s) you might wish to serve on:
License, Board, Zoning Board of Appeals

What activities or issues interest you?

As a lifelong resident, I am interested in serving the City of Newton to give back, and to help maintain and improve its unique character and quality of life for its residents

Relevant expertise, experience, and education"

Lifelong resident of Newton. Graduate of Bowen School, Meadowbrook Jr. High & Newton South High School '68; Graduated University of Massachusetts Amherst B.B.A. '72 with an area of concentration in Urban & Regional Studies; Graduated Suffolk University Law School (evening division) '76. Member in good standing of the Massachusetts Bar since 1977. Practiced law in Boston from 1977 to 1981 concentrating in real estate and municipal taxation. Since 1972, I have been a principal in Bobson Realty, a family-owned real estate investment, management and development firm. I have had experience practicing and appearing before various zoning and planning board in eastern Massachusetts.

List you community activities with offices held, if any:

Member, Newton Board of License Commissioners (2005 to present) Past President of Temple Beth Avodah ('95-'97); Member, Mayor's Needham Street Advisory Committee (1998); Active volunteer pilot with AngelFlight Northeast with over 25 missions (1996-present)

Please provide the names of three references:

Name

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