

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, MAY 10, 2010

7:45 pm - Room 202

ITEMS SCHEDULED FOR DISCUSSION:

Chairman's Note: There will be an informational discussion by the Planning Department relative to FAR (Floor Area Ratio).

Appointment by His Honor the Mayor

#123-10 CHRISTOPHER STEELE, 189 Carlton Road, Waban, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on May 3, 2013. (60 days 7/2/10) [04/13/10 @ 7:08 PM]

#93-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 30-27** of the City of Newton Ordinances governing membership of the Zoning Board of Appeals by providing selection criteria guidance and process so that the level of expertise in related areas, or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its level of service to Newton. [03/26/10 @ 12:31 PM]

#92-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 22-3(a)** of the City of Newton Ordinances governing membership of the Planning Board by providing selection criteria guidance and process so that the level of expertise in related areas, or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its level of service to Newton. [03/26/10 @ 12:29 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

#114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #121-10 HIS HONOR THE MAYOR, in accordance with Section 5-1 of the City of Newton Charter, submitting the FY' 11 Municipal/School Operating Budget totaling \$340,073,328, passage of which shall be concurrent with the FY' 11- FY' 15 Capital Improvement Program.
EFFECTIVE DATE OF SUBMISSION: 04/20/10

- #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]

- #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]

- #30-10(2) POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Department relative to the governance process of the Newton Community Development Authority (NCDA), including recommendations and potential changes to the NCDA. [01/26/09 @ 9:00 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.

- #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.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.
- #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]
- #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]
- #122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.
- #475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development. [12/09/08 @ 9:41 AM]
- #474-08 ALD. HESS-MAHAN & VANCE proposing that Chapter 30 be amended to transfer from the Board of Aldermen to the Zoning Board of Appeals and/or the Planning & Development Board the special permit granting authority for special permit/site plan petitions not classified as Major Projects pursuant to Article X of the Board Rules. [12/09/08 @ 3:26 PM]
- #336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @ 10:31 AM]
- #150-08 ALD. GENTILE proposing that Chapter 30 be amended to clarify that for a commercial vehicle to be parked legally at a residential property, it must be registered to the owner/occupant of that residential property. [4/15/08 @ 2:17PM]
- #365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.

- #288-06 ALD. MANSFIELD, DANBERG, PARKER proposing that Sec 30-11(a), (b), and (d) of Chapter 30 be amended to allow banks and other financial institutions only by special permit in Business 1, 2, 3 and 4 districts.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #48-06 ALD. HESS-MAHAN, BURG, JOHNSON, DANBERG, PARKER & WEISBUCH proposing that the city provide financial incentives to rent accessory apartments to low- to moderate-income households at affordable rates that can serve housing affordability goals.
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
- #10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.
- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem. **(Recommitted by Full Board 8-14-06)**
- #133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.
- #217-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit for the demolition of a structure aged 100 years or more, containing one or more residential units in any residential district.
- #20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #333-97(2) ALD. YATES proposing that Chapter 30 be amended to prohibit without a special permit in any zoning district the approval of a subdivision that would be accessed by any public way on which the Level of Service at the point of access is already a D, E, or F, for at least one hour per week or if the additional traffic to be generated by the subdivisions would cause the

Level of Service at the point of access to a public way to fall to D, E, or F
for at least one hour per week. [8-7-07 @2:05 PM]

Respectfully submitted,
Marcia Johnson, Chairman

#123-10



SETTI D. WARREN
MAYOR

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Office of the Mayor

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April 13, 2010

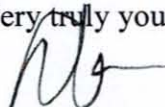
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to submit Mr. Christopher Steele of 189 Carlton Road in Newton for appointment on the Economic Development Commission for a term of office expiring May 3, 2013.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

10 APR 13 PM 7:08
CITY CLERK
NEWTON, MA. 02159

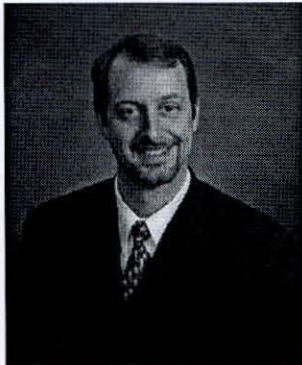
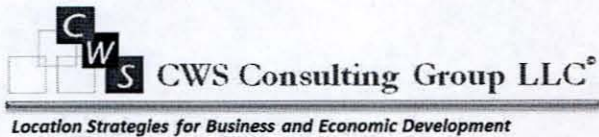
CC: Candace Havens, Interim Director, Planning and Development Department
Amanda Stout, Senior Economic Development Planner, Planning Department

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



Christopher W. Steele

President, CWS Consulting Group LLC

Phone: (617) 314-6527

Email: chris.steele@cwsgrp.com

Chris Steele brings over 18 years of business and urban planning experience to the art and science of location strategy. His background in a small city planning firm, a Big-Four consulting services firm (Ernst & Young LLP), and a world-class engineering and supply chain company (TranSystems Corporation) have resulted in a unique perspective on how the concept of place impacts business and community success around the globe.

Moreover, his experience in diverse industries, service areas, and countries has given him the ability to build networks that cover a wide variety of client needs. He has worked on projects as high-profile as Boeing's selection of Chicago for its Headquarters, and as everyday as a food processing expansion in rural West Virginia.

Past clients include The Boeing Company, BlueCross Blue Shield of Massachusetts, the State of Delaware, Lenovo, Lundbeck, Xerium, Watermark Sports/Yakima, ADP, AIG, JP Morgan Chase, Cabot Corporation, Morgan Stanley, Club Med, Sanofi Aventis, Trident Holdings, Jafza International Economic Zone, Becton Dickinson, HCA Healthcare, Olympus, Tampa Committee of 100, The City of San Jose, KC Smart Port, First Industrial Realty Trust, the City of West Palm Beach, US Bancorp, Citicorp, and Biogen IDEC.

Chris has written on location strategy and real estate topics for Area Development, Business Expansion Journal, Site Selection Online Insider, and the Journal of Corporate Real Estate, and served as an editor for Ernst & Young's United States Investment Monitor. He is an active member of the Industrial Asset Management Council, a frequent presenter at CoreNet's global summits and is on the Massachusetts Chapter of NAIOP's Program and Growth Committees. He also serves as a visiting professor at the University of Massachusetts, teaching Real Estate & Economic Development and Real Estate Finance in the College of Management at the

Education

Master of Regional Planning (Land Use Planning and Real Estate Development), University of North Carolina at Chapel Hill, 1994

Bachelor of Arts, Rutgers College, Rutgers University, 1991

Professional Affiliations

CoreNet, National and New England Chapters (2001)

NAIOP, Massachusetts Program Committee (2002)

MassEcon, Marketing Committee (2003)

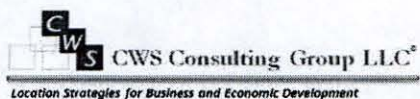
University of Massachusetts – Boston, Professor of Real Estate and Economic Development (2007)

Industrial Asset Management Council (2007)

International Economic Development Council (2009)

Industry Tenure

18 Years



Christopher Steele, Page 2

Boston campus and Regional Economic Development in the graduate school at the Dartmouth Campus.

Prior to establishing CWS Consulting Group, Mr. Steele served as the Line of Business President – Real Estate for TranSystems Corporation. He also served as the Director for Location Advisory Services at ADP Mintax, and was an integral part of the Ernst & Young Real Estate Advisory Services practice for over 11 years. Chris holds a Master's Degree in Regional Planning from the University of North Carolina at Chapel Hill, with specific concentrations in land use planning and real estate development.

NEWTON CODE

Sec. 22-3. Planning and development board; establishment, powers and duties.

(a) There is hereby established in accordance with chapter 705 of the Acts of 1975, as amended, a planning and development board of five (5) members appointed for five (5) year overlapping terms such that the term of one member expires on February first of each year. In addition to these five members, another member shall be appointed by the state Secretary of Housing and Economic Development for a three (3) year term; and another member shall be the director of planning and development, ex officio. The planning and development board shall be consulted by the mayor and board of aldermen for its recommendations on the comprehensive plan, modification or implementation thereof. Its recommendations to the board of aldermen shall be in writing within a time specified by the board of aldermen. There shall also be appointed not more than five (5) alternate members. In the event that any member, except the state appointee or the director, is absent or unable to act for any reason, the chair shall designate an alternate member to act.

(b) The director shall submit to the planning and development board, for its review, plans, proposals or agreements for the acquisition of real property and/or the selection of developers thereof.

(c) The planning and development board shall exercise responsibility for the formulation and submission of recommendations for the annual community development plan authorized by federal law, including the conduct of public hearings thereon.

(d) The planning and development board shall exercise authority of review and approval over acts of the director as provided in section 22-2(c).

(e) All boards, commissions, committees and other agencies incorporated in the department and assigned advisory responsibility to the planning and development board, shall be granted a right to appear three (3) times per year before the planning and development board to discuss matters within their purview. (Rev. Ords. 1973, § 15-1; Ord. No. 102, 12-15-75)

Cross reference—Rules governing appointments to and service on commissions and boards, § 2-8

State law references—Acts of 1975, chapter 705; Acts of 1982, chapter 479; Acts of 1989, chapter 499; and Acts of 2007, chapter 73.

Zoning Board of Appeals – Section 30-27


Members shall include at least one citizen who has expertise or demonstrated interest in real estate/land-use law, at least one citizen who has expertise or demonstrated interest in planning, at least one citizen who has expertise or demonstrated interest in building construction/development and at least one citizen who has expertise or demonstrated interest in professional design/engineering and at least one citizen who has experience with or demonstrated interest in the zoning process in Newton.

Planning and Development Board – Section 22-3

Members shall include at least one citizen who has expertise or demonstrated interest in real estate/land-use law, at least one citizen who has expertise or demonstrated interest in planning, at least one citizen who has expertise or demonstrated interest in building construction/development and at least one citizen who has expertise or demonstrated interest in professional design/engineering and at least one citizen who has experience with or demonstrated interest in the zoning process in Newton

WORKING MEMORANDUM

TO: ZONING AND PLANNING COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT
JURIS ALKSNTIS, INTERIM ZONING ADMINISTRATOR 

RE: #92-10, MEMBERSHIP REQUIREMENTS FOR PLANNING AND DEVELOPMENT BOARD

#93-10 MEMBERSHIP REQUIREMENTS FOR ZONING BOARD OF APPEALS.

DATE: MAY 11, 2010

CC: JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

BACKGROUND

On April 26, the Zoning and Planning Committee discussed possible guidelines for membership of the Planning and Development Board as well as the Zoning Board of Appeals. This working memo responds to a number of the questions raised during that discussion. The objective of this undertaking is to assist the City over time in encouraging volunteers to participate on the City's boards and commissions with applicants who bring diverse experiences, competencies, and backgrounds which together promote the execution and effectiveness of the respective boards in carrying out their mandates. It is anticipated that where needed, reasonable guidelines would facilitate both the appointment process as well as the approval process by the Board of Aldermen. Once guidelines are agreed upon, implementation would occur as vacancies arise.

Enabling acts for membership in the ZBA and Planning and Development Board and Zoning Board of Appeals

MGL 40A gives authority to local jurisdictions to establish bylaws whereby they may designate a special permit granting authority, planning board, and/or appeals boards. While it is our sense that cities vary throughout the State in their structure for addressing land use permitting and appeals processes, additional research is needed to provide a clear picture of board composition and/or appointment guidelines in the context.

Recent update to the composition of a Newton commission

On February 17, 2009, the Board of Aldermen approved Ordinance #Z-23 which altered the title, powers and duties, and composition of the **Urban Design Commission**. Membership is now described as follows:

"There shall be an urban design commission of eight (8) members for the preservation, improvement and development of the physical environment of the

city. The members of the commission shall, so far as practicable, be selected to provide representation from the fields of city planning, landscape architecture, horticulture, arboriculture, architecture, landscaping and related fields of specialization, and so far as practicable, be selected to provide representation from as many wards of the city as possible.”

The above language illustrates an approach to guiding the selection of members incorporated into the ordinance itself. In this case, the guidance sets out fields of competency along with the goal to encourage geographic representation. However, it appears that no requirements are stated or guidance provided within the Newton Revised Ordinances or the respective by-laws or rules of the Planning and Development Board or the Zoning Board of Appeals for the selection and appointment of board members.

Planning and Development Board

In Newton, the Planning and Development Board performs multiple roles and related responsibilities. These include functioning as:

- Planning and Development Board: holds public hearings, reviews and votes on petitions involving special permits, rezoning, and also amendments to the Zoning Ordinance. (*NOTE: In Newton, Special Permit Granting Authority is exercised by the Board of Aldermen.*)
- Board of Survey: reviews and approves subdivision plans
- Community Development Advisory Board: holds public hearings, reviews, approves, and oversees implementation of the 5-year Consolidated Plan, Annual Action Plan, Consolidated Annual Performance Evaluation Report, and the Citizen Participation Plan pursuant to Federal statutes and regulations pertaining to the CDBG, ESG, and HOME programs
- Newton Community Development Authority Advisory Board: reviews and advises the Authority (sole member authority comprised of the Director of Planning and Development, *ex officio*) with respect to projects and plans undertaken by the Authority, including housing and economic development loans

The Board also:

- takes up various land use and planning issues such as traffic/parking, home businesses, attached dwellings, among others;
- considers and makes recommendations on proposed historic landmark decisions;
- considers and makes recommendations on proposed scenic roads and regulations;
- considers and makes recommendations on the Comprehensive Plan; and
- considers and makes recommendations on proposals for the acquisition of real property.

Planning and Development Board composition

Board bylaws, Article 2, Membership, together with Newton Revised Ordinances Sec. 22-3, provide for:

- Mayoral appointment of five resident members, subject to approval of the Board of Aldermen. (five-year term)
- State appointment of one member by the Secretary of Housing and Community Development (three-year term)
- Membership *ex officio*, by Director of Planning and Development
- Mayoral appointment of up to five alternate resident members, subject to approval of Board of Aldermen (five-year term)

Current Board members

Regular Members

Tabetha McCartney, Chair
Joyce Moss, Vice-Chair
David Banash
Leslie Burg
Scott Wolf

Background/Expertise

Affordable Housing specialist
City Planner
Attorney
Generalist
Attorney

Doug Sweet (State appointee)
Candace Havens, *ex officio*

Tenant-landlord mediation
Interim Dir. of Planning and Dev.

Alternates

Felix Zemel
Howard Haywood

Boston Housing Authority inspector
Engineer

Feedback from the Planning and Development Board

This Board has as yet not had an opportunity to fully discuss and respond to the subject docket item, and is planning to do so at its June meeting. In the interim, Board members have the following observations:

- Limiting membership categories may make it harder to fill vacancies.
- Approximately 60% of the Board's work is related to the community development side of its responsibilities.
- Membership guidelines would need to reflect the above emphasis and facilitate the recruitment of persons who have backgrounds in areas such as human services and affordable housing.

Zoning Board of Appeals

The Zoning Board of Appeals is tasked with acting upon requests for variances as well as Comprehensive Permits under the provisions of 40B. The Board also hears appeals of decisions made by the Commissioner of Inspectional Services actions on compliance with the City's Zoning Ordinance. In recent years, the ZBA has reviewed about one Comp Permit a year with extensive analysis typically provided by Planning Department staff.

Zoning Appeals Board composition

ZBA Rules, Section 1. Membership, together the Newton Revised Ordinances Section 30-27 provide for:

- Mayoral appointment of five members* subject to approval of the Board of Aldermen. (three-year term)
- Mayoral appointment of five associate members* subject to approval of the Board of Aldermen (one-year term)

**Residency requirement not stated.*

Current ZBA membership

Members

Harvey A. Creem (Chairperson)
Joseph G. Cosgrove, Esq.
Vincent Farina
Brooke K. Lipsitt (Vice Chairperson)
Selma H. Urman, Esq.

Expertise/Background

Certified Public Accountant
Real estate law
Real estate broker
Former Bd. of Ald. president
Presiding officer, Mass. Energy
Facil. Siting Board.

Associates

Hillary S. Brown
William M. McLaughlin
James H. Mitchell, Esq.
Thomas J. Phillips, Esq.
Jonathan S. Sales

Asset manager, commercial prop.
Real estate invest. & dev.
Real estate invest., dev., mgmt
Commercial real estate/LU law
Corporate law practice

Feedback from the Zoning Board of Appeals

This Board has as yet not had an opportunity to fully discuss and respond to the subject docket item. In the interim, some Board members have expressed an interest in wanting to be included in this discussion and a question has been raised regarding the extent to which representation of professional architects and engineers on the Board may or may not be necessary.

NEWTON CODE - ZONING

**ARTICLE VI. ZONING BOARD OF
APPEALS**

Sec. 30-27. Zoning Board of Appeals.

A zoning board of appeals is established and shall consist of five (5) members to be appointed by the mayor, subject to confirmation by the board of aldermen.

Each member shall be appointed for a term of three (3) years. Vacancies shall be filled for the balance of the unexpired term in the same manner in which original appointments are made. The zoning board of appeals shall annually elect a chairman from its members and a clerk. No member shall act in a case in which he is in any way interested.

The mayor shall annually appoint for a term of one year, subject to confirmation by the board of aldermen, five (5) associate members of the zoning board of appeals. The associate members shall be sworn and shall qualify in the same manner as regular members. In the case of a temporarily unfilled vacancy, inability to act, or interest on the part of a regular member, the chairman shall designate one of the associate members to fill such vacancy or serve in place of such regular member, as the case may be. Members and associate members of such board shall serve without compensation.

(a) Appeals may be taken to the zoning board of appeals as provided in chapter 40A, sections 8 and 15 of the General Laws, as at the time in effect. The zoning board of appeals shall hold a hearing upon any appeal or other matter referred to it or on any petition for a variance in the manner provided in, and after notice given as required by, chapter 40A, section 11 of the General Laws, as at the time in effect.

(b) The zoning board of appeals shall have the following powers:

(1) To hear and decide appeals taken by:

a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of chapter 40A; and

b) Any person, including an officer or board of the city, or of any abutting city or town, or the metropolitan area planning council, aggrieved by an order or decision of the commissioner of inspectional services, or other administrative official, in violation of any provision of Chapter 40A or any section of this chapter. Any appeal under subsection (b)(1) shall be taken within thirty (30) days from the date of the order or decision which is being appealed.

(2) To grant, upon appeal or upon petition in cases where a particular use is sought for which no permit is required with respect to particular land or structures, a variance from the terms of this chapter where it is determined that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a

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literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that the desired relief may be granted without substantial detriment or the public good and without nullifying or substantially derogating from the intent or purpose of this chapter, but not otherwise.

Prior to the exercise of any of the powers enumerated above, the zoning board of appeals shall hold a hearing on any appeal, application or petition transmitted to it by the city clerk within sixty-five (65) days from the transmittal to the board.

The board shall cause notice of such hearing to be published and sent to parties in interest as provided by section 11 of chapter 40A, and by the rules of the board.

In exercising the foregoing powers the zoning board of appeals may, in conformity with this chapter, reverse or affirm in whole or in part, or may modify any order or decision and may make such order or decision as ought to be made and to that end shall have all the powers of the commissioner of inspectional services, and may direct the commissioner of inspectional services to issue a permit.

In exercising the powers under paragraph (2) of this subsection, the zoning board of appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguards or limitations based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance or within such a lesser period as the board may determine, they shall lapse, and may be re-established only after notice and a new hearing pursuant to this section.

(c) The concurring vote of four (4) members of the zoning board of appeals shall be necessary to reverse any order or decision of the commissioner of inspectional services, or to decide in favor of the appellant for a permit on any matter upon which it is required to pass under this chapter, or to effect any variance in the application of this chapter.

(d) No appeal, application or petition which has been unfavorably and finally acted upon by the board of appeals shall be acted favorably upon within two (2) years after the date of such final unfavorable action unless the following criteria are met:

- (1) At least four (4) members of the board must find specific and material changes in the conditions upon which the previous unfavorable action was based, and must describe such findings in the record of its proceedings;
- (2) All but one member of the planning board consents thereto; and
- (3) Notice is given to parties in interest as to the time and place of the proceedings when the question of such consent will be considered.

(e) The zoning board of appeals shall adopt rules, not inconsistent with the provisions of this chapter, for conducting its business and otherwise carrying out the purposes of this chapter; a copy of these rules shall be filed with the office of the city clerk. Meetings of the board shall be held at

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the call of the chairman and also when called in such other manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the zoning board of appeals shall be open to the public.

The decision of the board shall be made within one hundred (100) days after the date of the filing of an appeal, application or petition. Failure by the board to so act within said one hundred (100) days shall be deemed to be a grant of relief, application or petition sought. The board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and setting forth clearly the reasons for its decision, and of its other official actions, copies of all of which shall be immediately filed in the office of the city clerk and shall be a public record, and notices of decisions shall be mailed forthwith to parties in interest as designated in subsection (a) of this section, to the planning board and to every person present at the hearing who requests that notice be sent to him and states an address to which such notice is to be sent. (Rev. Ords. 1973, §24-30; Ord. No. 190, 12-20-76; Ord. No. 284, Pt. XI(A)-(J), 6-19-78; Ord. No. R-2, 5-7-79; Ord. No. T-8, 1-17-89; Ord. No. T-40, 8-14-89; Ord. No. T-116, 12-3-90)

State law reference—Zoning boards of appeal, G.L. c. 40A, § 12

Editor's Note—The original appointments of members under this section were for staggered terms of one, two, three, four and five years.

**PLANNING AND DEVELOPMENT BOARD MEMBERS
RESUMES**

DAVID M. BANASH, P.C.
ATTORNEYS AT LAW
375 TOTTEN POND ROAD, SUITE 102
WALTHAM, MASSACHUSETTS 02451-2010

(781) 290-5855

DAVID M. BANASH

FAX. (781) 290-5850

RÉSUMÉ OF DAVID M. BANASH

PERSONAL:

Born April 12, 1950 in Boston; married to Theresa Kelly Banash; son Eric.

EDUCATION:

BOSTON COLLEGE LAW SCHOOL, Newton. J.D. May, 1975. Selected for Urban Legal Laboratory.

TRINITY COLLEGE, Hartford, Connecticut. B.A. in French with Honors, June, 1972: 88th percentile grade average for four years; varsity lightweight crew ("Outstanding Freshman Oarsman" award); president of the College Band; Pi Kappa Alpha fraternity.

BUCKINGHAM, BROWNE & NICHOLS SCHOOL, Cambridge. Diploma, June, 1968: Honor roll; editor-in-chief of literary magazine; student graduation speaker; school vice-president; varsity wrestling.

CURRENT EMPLOYMENT:

1997 - present, principal at David M. Banash, P.C.;
1986 - 1997 self-employed

general civil practice; business and general civil litigation in state and federal courts, jury and non-jury trials and appeals including business and employment, real estate, personal injury, probate and commercial litigation

estate planning and probate; real estate purchase and sale and development; corporate, including purchase and sale.

EMPLOYMENT HISTORY: NORTHEASTERN UNIVERSITY, Boston, 1977 - 1986: University College Law Faculty; instructor in Business Law (part time).

HOLLINGSWORTH & ASSOCIATES and HOLLINGSWORTH & PAPPAS; Boston 1982 - 1986; general civil litigation; real estate; corporate; estate planning.

SIMONS & MARCUS, Boston, 1977 - 1982; Associate, general civil litigation, real estate; corporate.

BARRON & STADFELD, Boston, 1976. Associate.

PROFESSIONAL: Massachusetts Bar Association

COMMUNITY SERVICE: City of Newton Planning and Development Board (current member, past Chairman); chaired committees that docketed and obtained passage of two zoning amendments before the Board of Aldermen (also chaired a committee for a third item that was defeated)

Buckingham, Browne and Nichols Alumni/ae Association (Class Secretary since 1969)

Hebron Academy, current co-chair of parents' fundraising committee

RECREATION: Cambridge Boat Club (Past President and Director)

CONTINUING EDUCATION Me'ah Certification at Hebrew College, 2009

LESLIE A. BURG

75 Fuller Terrace

West Newton, MA 02465

(617) 969 - 0361

laburg@rcn.com

OBJECTIVE: To develop and teach professional development, and /or tutor- training workshops for school systems or social service organizations in Reading / Writing assessment and instruction, with attention to Learning Disabilities as needed, for adults and children (PK - 12).

EDUCATIONAL BACKGROUND

B.S. State University of New York, Cortland, Secondary English,
M.Ed. Northeastern University, Reading,
Ed.D. Boston University, Reading and Learning Disabilities,

Post doctoral Study

Massachusetts Institute of Technology, Department of Linguistics, Jay Kaiser, Chairperson.
Boston University, Applied Psycholinguistics Program, Paula Menyuk, Director.

Honors:

Nomination: Outstanding Dissertation of the Year: International Reading Association
Pi Lambda Theta
Kappa Delta Pi

PROFESSIONAL EXPERIENCE

Instructional Appointments

Northeastern University Faculty, Department of Education 1966 - 1998
Associate Professor from 1972

Courses taught: Undergraduate-Fundamentals of Reading I,II, Remedial Reading, Curriculum I (English Language Arts), Writing and the Teaching of Writing, Student Teaching Supervision and Seminar for Early Childhood, Elementary, Secondary English.

Graduate-Foundations of Reading, Reading and Language Disabilities I, Developed and taught Reading and Language, Methods and Materials for Teaching Children (English Language Arts), Methods and Materials for Teaching Adolescents (Secondary English), Student Teaching Practicum and Seminar-Secondary English, Elementary, Reading Practicum and Seminar.

Developed/ taught Linguistics and the Teaching of Reading (Undergraduate course)
Language and Reading (Graduate course)

Proposed and designed an Academic Assistance Center to provide support for at-risk students, and successfully **chaired** the Faculty Senate subcommittee which guided the proposal through necessary College and Department committees. These activities resulted ultimately in establishing the Center, now called the Writing Center.

Lecturer: Boston University, by special appointment: Inner-City Teacher Education Program, National Institutes for Education Grant, 1068 - 1970

Reading Specialist, Masconomet Regional Junior / Senior High School, Topsfield, MA

Taught developmental reading and established a needed remedial reading program;
Designed and taught a series of Study Skills workshops to Masconomet content area
teachers to facilitate transfer of learning for students from reading courses to subject area
courses. 1964 - 1965

Reading and Literature Teacher, Memorial School (K-8) Salisbury, MA
Taught developmental and remedial reading, (1963 - 1964)

Director, Coordinator, Evaluator, Supervisory Positions

Supervisor: Urban Teaching Intern Program, Northeastern University, Ford Foundation Grant.

Coordinator: Preparatory Program for Black Scholarship Students, Northeastern University,
Ford Foundation Grant.

Director of Tutor Training: United South End Settlements, Boston, MA

Director of Tutor Training: South End Neighborhood Action Program, Boston, MA

Title/Chapter 1 Evaluator: Medford Public Schools, Cambridge Public Schools,
Brookline Public Schools,

Other Professional Activities:

Numerous consultancies to public school systems, social and educational agencies, and parent
groups, including inservice courses, workshops, etc.

Since leaving Northeastern:

Consultant: Transition to Work Collaborative, Creating a data base of adult literacy programs in
Boston area; providing staff training in literacy assessment for new staff. at TTW, and Project
Hope (2002 - 2003)

Volunteer member, Transition to Work Collaborative, Educational sub-committee of the
committee whose objective was to develop a comprehensive assessment process (2003)

Taught several literacy tutor training workshops for the Bell Foundation, Roxbury, MA (1999 -
2000)

Provided training focusing on literacy assessment for Transition to Work Collaborative staff,
Dorchester, MA (2002)

Conduct individual literacy assessments when requested by Mel King, Director, South End
Technology Center, Boston, MA (ongoing)

PUBLICATIONS / PRESENTATIONS

"Teacher Observations and Conferences", Preconvention Institute, "Administration and
Supervision of Reading Programs", Dorothy Strickland, Leader and Developer, International
Reading Association Conference, New Orleans, 1989

"Metalinguistic Awareness--or Why Did the Chicken Cross the Street?" Invited paper,
Massachusetts Speech and Hearing Association, 1985.

"Teaching Reading to Gifted Children: Challenge to the Classroom Teacher" Northeast
Regional International Reading Association Conference, 1983.

"Compensatory Education in College" Symposium, College Reading Association, 1982.

"Reading Disability Factors: A Comparison of Learning Disabled, Remedial,
and Developmental Readers" New England Educational Research Organization
Conference, 1975.

Reading: Mainstreaming the Gifted, A Handbook for Teachers and Parents, Albert C. d'Amato (Ed.) Office for the Gifted and Talented, Massachusetts Department of Education, 1983.

Burg, Leslie and Kaufman, Maurice. "Comp.Ed.in College: Can it Work?" The Record 1982.

Burg, Leslie and Kaufman, Maurice. "Laws About Special Education: Their Impact on the Use of Reading Specialists", The Reading Teacher November, 1980.

Burg, Leslie et.al. The Complete Reading Supervisor: Tasks and Roles. Charles E. Merrill Publishing Company, 1978.

Burg, Leslie. "Affective Teaching--Neglected Practice in Inner-City Schools?" The Reading Teacher January, 1975.

Burg, Leslie with M.Kaufman and A. Kovner. "An Evaluation of Project LEAP, ESEA Title I Program of Medford, Ma" E.R.I.C. document reproduction service numbers: 1975-76 ED156732, 1976-77 ED156733, 1977-78 ED156801, 1978-79 ED174740, 1979-80 ED 193376, 1980-81 ED206792.

PROFESSIONAL AFFILIATIONS:

International Reading Association

National Council Teachers of English

Association for Supervision and Curriculum Development

Massachusetts Council for University Reading Educators, Founding member, Executive Board 1981-82, 1983-84

Howard M. Haywood
Principal Engineer/Project Manager

Background

During his 30 plus year career in the transit construction industry, Mr. Haywood has managed the design and construction of complex, innovative projects. From overseeing the design of historic drawbridges for commuter lines to multi-million dollar heavy rail transit lines he has earned a reputation of a hands on manager who gets jobs done on time and within budget. Mr. Haywood worked with design engineers in developing creative solutions to significant design challenges in the use of "soil freezing" and the "NATM tunneling" to allow for the successful tunneling under historic buildings in downtown Boston.

Massachusetts Bay Transportation Authority – Managed \$4.7 billion dollars of design and construction projects which included the \$580 million Old Colony rail extension and modernization project. He was the Project Manager for Phases 1 and 2 of the Silver Line Project the first successful urban Bus Rapid Transit project that revitalized a major city thoroughfare and initiated a number of residential and commercial developments.

Project Management - Included in his experience is extensive management of the public participation/relations for major public projects. He conducted weekly community meetings with the residents of East Boston, Revere and Winthrop during the design and construction of renovations to the Blue Line stations. He worked closely with the Mayor of Boston's appointed Washington Street Design Oversight Committee during the design of the first phase of the Silver Line from Dudley Station in Roxbury to Downtown Boston. This project involved three distinct communities and over seventy public meetings were held that resulted in a very successful project.

National Experience - While at DMJM Harris he continued working with communities in Puerto Rico helping to familiarize residents to onset of transit service which was new to the Island and in New York City as he studied the possibility of implementing Bus rapid transit on some of the cities major thoroughfares.

Access Improvements – worked with the Boston Center for Independent Living and the MBTA to design and install additional elevators in existing Transit Station to make the MBTA system more accessible for the disabled.

Garage Repairs – Assisted in the inspection of structural deterioration at the MBTA Quincy Adams Parking Garage and the preparation of a report detailing the condition of the garage and recommended repairs.

Bus Rapid Transit – Participated in the development of the preliminary design of the Connecticut DOT's Bus Rapid Transit Line from Hartford to New Britain.

Site Restoration - Assist in the oversight of the restoration of a "brown field" site in Lawrence , MA that will be utilized for parking and a passive park.

Professional Qualifications

Certification, Wentworth Institute of Technology, Boston, MA

Professional Affiliations

Charter Member, Federal Transit Administration Construction Roundtable
APTA Capital Projects Committee

Awards

Black Achievers

Commonwealth of Massachusetts Pride in Performance

National Society of Professional Engineers, Rich Allen Meritorious Service Award

Tabetha G. McCartney
155 Hunnewell Ave.
Newton, MA 02458
(617) 965-3663
cell (617)922-8543

EXPERIENCE

- JEWISH COMMUNITY HOUSING FOR THE ELDERLY, Brighton, MA** 2007 – present
Property Refinancing Manager
Coordinate all aspects of refinancing JCHE's existing properties, including coordinating professional services, completing specific tasks from on-going decision making, evaluating existing physical and financial conditions as they relate to refinancing, maintaining project schedules, monitoring costs and making financial reports. Assure compliance with loan documents including LIHTC requirements. Work with other JCHE staff on new development projects including governmental funding requests (HUD and state agencies), grant applications and identification of additional funding sources.
- BROOKLINE BANK, Newton, MA** 2003 - 2007
Vice President, Commercial Lending
Responsible for new business development and portfolio management for multi-billion dollar community bank. Portfolio of roughly \$100MM outstanding, included mini-permanent loans, construction loans and condominium conversion loans. Assured compliance with loan documents and federal regulations.
- SABBATICAL** 2000 - 2003
Coached youth softball, basketball and soccer including Junior Varsity High School teams. Worked with City of Newton Planning Board, The Second Step Board of Directors, West Suburban YMCA, etc.
- THE BERKELEY ESSEX GROUP, Boston, MA** 1998 -
2000 Director, Real Estate Finance
New business development and debt placement for all types of commercial properties.
- GROVE BANK, Chestnut Hill, MA** 1993 – 1998
Vice President, Team Leader
New Business development and relationship management of commercial real estate portfolio. Built portfolio from zero to over \$60 million, including permanent loans and construction financing. Managed lending and support staff. Leading originator for four years.
- FIRST ESSEX SAVINGS BANK, Lawrence, MA** 1991 - 1993
Vice President, Workout Officer
Responsible for the resolution, through restructuring or liquidation, of the major, more sensitive and complex non-performing assets in the Institution.
Handled twenty-eight accounts totaling \$22 million.
- SECURITY PACIFIC CREDIT CORP., Newton, MA** 1989-1991
Senior Business Development Officer
Opened satellite loan production office for subsidiary of major commercial bank. Responsible for new business development, underwriting and loan closing.
- WEDGESTONE FINANCIAL, Newton, MA** 1987- 1988
Loan Officer
Underwriting, loan origination and construction loan monitoring in a Real Estate Investment Trust environment.
Problem loan workouts including land development of REO. Worked with the foreclosure process in various states and the Federal Bankruptcy court.

YANKEE BANK FOR FINANCE AND SAVINGS, Boston, MA

1985- 1987

Vice President

Responsible for new business development, underwriting, documentation negotiations, portfolio monitoring, and problem loan workouts.

Designed, implemented and managed the Multifamily Loan Program including product development, market definition and strategic planning.

BANK OF NEW ENGLAND, Boston, MA

1984- 1985

Condo/Multifamily Specialist

Responsible for all aspects of Multifamily loans, including marketing, originations, processing, closing and sales on the secondary market (Freddy Mac and Fannie Mae). Prepared condominium project approval packages for submission to the secondary market,

CHEMICAL BANK, New York, NY

1980- 1982

Assistant Manager

Completed credit training program. Handled portfolio of middle market accounts, providing credit and non-credit services. Headed credit department, supervised preparation of financial analysis and on-line instruction of trainees. Involved in new business solicitation in rapidly expanding market.

Intern Summer

1983

Involved in market research and strategic planning for the national expansion of specialized industry groups, Worked on in-bank development of highly specialized, technical new product to facilitate national expansion.

EDUCATION:

THE WHARTON SCHOOL, University of Pennsylvania , Masters of Business Administration

* Concentrations in finance and strategic planning, with complementary courses in strategic marketing.

Waived core courses allowing additional advanced course work.

• Vice President Real Estate Club.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA, Bachelor of Science in Management

Concentration in economics.

Independent research project in managerial psychology.

Vice President Sophomore Class, Executive Committee Senior Class

Varsity letters in field hockey, basketball and softball

Special Assistant To The Director of Admissions

1979-1980

Undergraduate representative to the Admissions Committee, Recruited high school students, interviewed prospective applicants and reviewed undergraduate applications, participating in final decision process.

AFFILIATIONS:

City of Newton, Planning Board

Junior Varsity Coach, Girl's Softball, Newton South High School

New England Women in Real Estate — Former Steering Committee, Chair of the Community Involvement Committee

The Second Step, Board of Directors, Treasurer, Chair of building committee (1994-2004)

West Suburban YMCA, Board of Directors (1999-2004)

Newton Needham Chamber of Commerce, Former Director

Newton Girls Soccer, Former Director, Chair of the Equipment Committee

Reunion Chair Class of 1980—5⁰⁰, 10th ,5⁰⁰ ,& 20⁰⁰ Reunions

Educational Counselor

Technology Day Committee

Class Reunions and Advisory Committee

JOYCE G. MOSS, AICP
229 Franklin Street Newton, Massachusetts 02458
(617) 969-1074 joycegmoos@hotmail.com

PROFESSIONAL EXPERIENCE

Economic Development Coordinator/Specialist, Needham, MA

2007-12/2009

New position under the policy direction of Council of Economic Advisors (CEA): Responsible for developing and implementing short and long-term economic development strategies as they relate to the Town's goals for its commercial, industrial, and mixed-use areas.

- Directed initiative to make the New England Business Center (Highland Avenue) more responsive to commercial needs and more competitive in the marketplace;
- Advocated for more business-friendly permitting practices, particularly for small businesses;
- Established initiative to increase foot traffic in Needham Center and promote cooperation and communication among Town government, downtown merchants, and local business association;
- Achieved Economic Target Area status (ETA) under the Commonwealth's Economic Development Incentive Program (EDIP);
- Advocated acceptance by the Needham BOS of the Newton-Needham Green Line extension;
- Provided economic development staff support for the Downtown Study Committee;
- Conceived and carried out 'visualizing density' workshops to evaluate TOD project;
- Member of Board of Directors, Newton-Needham Chamber of Commerce; member of Chamber's Economic Development Subcommittee.

Economic Development Officer, Westwood, MA

2004-2007

Under the policy direction of Economic Development Advisory Board (EDAB): Responsible for developing plans, creating tools and incentives, promoting consensus to foster commercial real estate development and local business retention and expansion.

- Worked with relevant parties to (a) develop Mixed Use Overlay [MUOD] zoning; (b) establish Economic Target Area status for Westwood, and (c) establish a coordinated review and outreach plan for pre-permitting activities related to Westwood Station, which had been an underutilized industrial park next to the University Avenue MBTA/Amtrak Station and is to become a 4.5 million square feet mixed-use development;
- Created a public/private incentive plan to encourage redevelopment of 60 acres of underutilized commercial/industrial land on Route One;
- Advocated for businesses seeking to locate in and/or to those already established in Westwood.

Tourism Brochure Project Manager, MetroWest Chamber of Commerce

2003

- Conceived, secured funding for, and executed a cultural tourism map initiative featuring town centers and historic landscapes in the Chamber's 10-town service area.

Executive Director/Downtown Manager,

1995-2002

Natick Center Associates, Inc., Natick's public/private downtown revitalization partnership

- Leveraged \$3 million in private investment; increase of 70,000 sq. ft of downtown retail space;
- Instituted and oversaw a wide range of revitalization activities: strategic planning; re use/ redevelopment of downtown properties, market analysis; design master plan; streetscape/ storefront improvement; civic art;
- Organized task forces to craft zoning and regulatory actions, review downtown projects in accordance with design standards, undertake beautification projects, celebrate the Natick community;
- Established partnerships between the business community and civic institutions and advocacy groups to develop downtown projects and enlarge the constituency for downtown revitalization;
- Worked with the Chamber and Small Business Development Center to create a regional micro-loan fund;
- Established a farmers' market; a merchants' council; an arts and commerce task force;
- Provided additional planning and grant writing services to the Town of Natick as needed.

Resume of Joyce G. Moss, AICP, continued

Mill Village Coordinator 1993-1994

Downtown Revitalization Partnership Program, Dept. of Housing and Community Development

- Organized a sub-regional partnership among business/ property owners, town officials and residents to revitalize historic mill village centers in two Blackstone Valley towns.

Open Space Planner (Intern), Grafton, Massachusetts 1992

- Researched and analyzed data; authored the 1992 Grafton Open Space & Recreation Plan

Researcher (Intern), Lincoln Institute of Land Policy 1991-1992

- Researched and wrote about state and municipal growth management practices for the Institute's 1992 publication, Managing Change in America's Communities.

Freelance Editor 1985-1988

- Worked with writers to develop and edit their manuscripts:
In the Shadow of the Great Blue Hill, Karen Dacey, Univ. of America Press, 1995;
A Woman's Guide to Good Health After 50, Marie Felton, M.D., AARP, Scott, Foresman, 1987.

Magazine Reporter, Money Magazine, Time, Inc. 1982-1984

- Reported on the local perspective for monthly magazine about finances.

PROFESSIONAL AWARDS

Federal Home Loan Bank Award for Community Development 2000

- Presented to Natick Center Associates, Inc. Given annually to one non-profit organization in each New England state that demonstrates superior work in economic development.

Walton Small Business Leader of the Year Award 1999

- Presented by the MetroWest Chamber of Commerce.

American Planning Association-New England Chapter, Annual Planning Awards 1993

- Best Project by a Graduate Student: 1992 Grafton Open Space and Recreation Plan.

COMMUNITY SERVICE EXPERIENCE

Community Preservation Act Committee (CPA), Newton, MA- Chair, FY2009. 2003-10/2009

- Committee recommends grant awards to projects that create affordable housing, preserve historic resources, and protect open space. Authorized under the Community Preservation Act.

Planning and Development Board, Newton, MA 1994-present

- Mayoral appointment. Decisions involve subdivision; allocation of federal and state community development funds; advisory actions to Board of Aldermen on zoning and planning.

Comprehensive Plan Advisory Committee, Newton, MA 2002-2006

- Committee was charged with developing the City's comprehensive plan. Plan adopted 2006.

Newton Framework Plan Committee, Newton, MA 1998-2000

- Committee produced a policy framework to guide the development of the comprehensive plan.

EDUCATION

Tufts University, Department of Urban and Environmental Policy and Planning

M.A.: Area of concentration: Land Use Policy and Planning

Harvard University, Graduate School of Education

M.A.T.: History and Social Studies

University of Rochester

A.B.: History/ Political Science

RESUME

SWEET SOLUTIONS

DOUGLAS H. SWEET, Sole Practitioner

281 Lexington Street, Newton, MA 02466

sweetsolutions@comcast.net

(617) 244-4400 [Voice]

(617) 244-4440 [Fax]

(617) 216-4100 [Cell]

MEDIATION/LEGAL/EEO EXPERIENCE

1999 - Present

Sweet Solutions, Solo practice mediation firm

Conduct mediation of disputes in a variety of settings including several hundred EEO complaints of federal employees against the federal agencies for whom they work. These complaints are referred by Administrative Judges in the Hearings Unit of the New York District Office, U.S. Equal Employment Opportunity Commission. In virtually all these federal EEO cases, I served as solo mediator, utilizing traditional interest-based facilitative mediation methods, and, when appropriate, I have engaged in limited case evaluation and/or mediator proposal methods.

In addition, I have mediated several hundred cases at the Newton (Massachusetts) District Court; this work has included matters in the Small Claims Session, cases before the Court seeking the eviction of tenants from rental housing in Newton, and litigation on that court's regular civil Docket. I have also handled a variety of disputes between parties in non-court settings.

1999 – Present – Independent Contractor

Metropolitan Mediation Services (MMS), Brookline, MA

Mediation Supervisor

Since December, 1999, I have supervised a number of newly certified mediators in six-month court placements in the Small Claims Session of the Newton, MA, District Court. I have used demonstration mediation, co-mediation, and observation and feedback to develop their mediation skills in a real-world setting, as well as to enhance their knowledge of mediation techniques, ethics, the drafting of settlement agreements, and a range of procedural requirements.

Trainer/Coach

As a member of the MMS staff, I regularly serve on a training team, conducting basic thirty-six-hour certificate training programs, teaching mediation skills, ethics, and knowledge, with a heavy emphasis on role-play as a training tool.

New England School of Law, Boston, MA

2003-2005, Supervised field work of law students in a mediation clinic.

1997 - 1999

United States Department of Labor, Office of Federal Contract Compliance Programs, Boston District Office, *Compliance Officer*

- Conducted reviews to determine the compliance with affirmative action and equal

employment opportunity requirements by federal contractors under civil rights and veteran's rights statutes and Executive Orders; investigated complaints of discrimination; counseled contractors and individuals on related rights; and negotiated conciliation agreements with federal contractors to eliminate violations.

1981-1993

United States Equal Employment Opportunity Commission, Boston Area Office
Equal Opportunity Specialist/Senior Investigator

- Developed, analyzed, and investigated complaints of employment discrimination against employers; wrote reports recommending issuance of determinations; conducted fact finding and conciliation conferences, and negotiated settlement agreements; worked with legal staff to develop cases for litigation.
- Provided information and technical assistance to employers, unions, the public, attorneys, Congressional offices and others regarding rights, requirements, and procedures under statutes and court decisions banning employment discrimination.
- Collateral Duties: Handicap Program Representative; Member New York District Office EEO Committee.

1994, 1995

Summer employment during law school:

- **Middlesex Multi-door Courthouse** (ADR program), Cambridge, MA
- **U.S. Court of Appeals for the First Circuit**, Boston, MA
- **Boston University Legal Aid at Greater Boston Legal Services**, Boston, MA

EDUCATION:

Boston University School of Law, Boston, MA, J.D. 1996

Concentration: Litigation and Dispute Resolution, with honors

Activities: Civil Clinic / Legal Aid Program, 1995-1996

Career Planning Office Advisor on Non-Discrimination Policy, 1994-1996

Honors: Finalist, ABA New England Regional Negotiation Competition, 1995

Edward F. Hennessey Scholar, 1996 (Third Year G.P.A. 3.7)

Metropolitan Mediation Services, Brookline, MA

- Certificate in Basic Mediation Training, February 1996
- Advanced Mediation Training, supervised court placement, October 1996-November 1997

Columbia University, New York, NY

Ph.D., History, 1978; A.M., Educational Administration, 1967;
Columbia College, A.B., Government, 1963

- Ph.D. dissertation--"Preserving the Peace: Community Development and Ministerial Ideals in Revolutionary New Hampshire"--awarded a prize by the Sons of the American Revolution, New York Chapter, and chosen as the Frank S. and Elizabeth D. Brewer Prize Essay of the American Society for Church History.
- Published several articles in scholarly and popular journals on the history of the American Revolution.

LEGAL PUBLICATION:

"The Uncivil Trial: Last Resort in the Search For Justice" [ADR in Massachusetts Federal Courts] *FEDERAL COURT JUDICIAL FORUM '97* (98-05.01-CM) pp. 419-43.

BAR STATUS:

Admitted

Massachusetts Supreme Judicial Court, 1997

United States District Court for the District of Massachusetts, 1997

United States Circuit Court for the First Circuit, 1998

PROFESSIONAL ACTIVITIES:

Member:

Association for Conflict Resolution (New England Chapter)

Massachusetts Bar Association, 1996-Present, Co-Chair, Employee Rights and Responsibilities Practice Group, 2000-2001, Labor and Employment Law Section Council, 2000-2001, 2004-2005,

- Served on special committees to write regulations for the Massachusetts Commission Against Discrimination regarding maternity, pregnancy, and parental leave, and disability discrimination;
- organized and chaired continuing legal education seminars:
- Recent Developments in Federal Employment Law, 2001,
- Recent Developments in Massachusetts Employment Law, 2002
- Recent Developments in Federal Employment Law, 2003;
- ADR Committee, 2005-2008-

Boston Bar Association, 1998-present

Mayor's Committee for People with Disabilities, City of Newton, Massachusetts, 1996-2009, Acting Chair, 2006-2007, Co-Chair, 2007-2009.

City of Newton Planning and Development Board, January, 2009-present.

Federation of Massachusetts Farmers' Markets, Board of Directors, 2000-present, Vice-President, 2002-2005, President, 2005-2007.

SCOTT I. WOLF

27 Philbrick Road
Newton, MA 02459

(617) 630.9653
E-mail: swolf624@gmail.com

LEGAL EMPLOYMENT

SCHLOSSBERG, LLC
BRAINTREE, MA

MAY 1999—PRESENT

- Partner at business law firm representing closely-held businesses.
- Represent Buyers and Sellers in complex real estate transactions and business mergers, acquisitions, and sales.
- Advise business clients regarding general corporate and employment matters.
- Negotiate and draft commercial and residential leases and purchase and sale agreements.
- Conduct residential real estate closings and cash commercial closings. Abstract title and prepare commercial and residential title policies (approved First American agent).
- Prosecute trademark and service mark applications before the Patent and Trademark Office.
- Advise clients on a variety of estate planning issues, including tax and succession planning.

JACK MIKELS & ASSOCIATES
BOSTON, MA

MAY 1996 – MAY 1999

Associate attorney for boutique commercial litigation and corporate general practice firm. My practice focused on: representing commercial lenders in bankruptcy, foreclosure and post-judgment collection proceedings; advising corporate clients on franchise enforcement and trademark protection matters.

EDUCATION

University of Miami School of Law	Coral Gables, Florida	MAY, 1995
Juris Doctor <i>cum laude</i>		
Law Review: <i>University of Miami Entertainment and Sports Law Review</i> , Articles and Comments Editor		
Boston University	Boston, Massachusetts	MAY, 1991
Bachelor of Arts <i>cum laude</i> in Political Science		

BAR MEMBERSHIPS/AFFILIATIONS:

Florida (1995); Massachusetts (1995); United States District Court, District of Massachusetts (1996); Real Estate Bar Association of Massachusetts; Massachusetts Bar Association; Real Estate, Property, Probate, Trust Law Section of the Florida Bar.

Felix I. Zemel, CBO, CEHT, HHS

847 WASHINGTON ST APT 3 • NEWTONVILLE, MA 02460
PHONE (978) 790-0495 • E-MAIL ZEMELF@BU.EDU

EDUCATION

Boston University, Boston MA
Master of City Planning

May 2010 exp.

Wentworth Institute of Technology, Boston MA
Bachelor of Science in Engineering Technology
Associate of Applied Science in Engineering Technology
Dean's List: Spring 2008

May 2008
Feb. 2005

PROFESSIONAL EXPERIENCE

Boston Housing Authority, Boston MA
Leased Housing Inspector

2007 – Current

- Performing a variety of inspections, including: annual recertification inspections, vacant unit pre-rental inspections, tenant-complaint inspections, and emergency conditions inspections (including fire, utility shut-offs, hazardous materials, and carbon monoxide inspections) as they relate to compliance with HUD's Housing Quality Standards and 105 CMR 410: Chapter II of the Massachusetts State Sanitary Code – Minimum Standards for Human Habitations, as well as excerpts from other relevant codes, including: 520 CMR 12.00: Massachusetts Electrical Code, 248 CMR 10.00: Massachusetts Fuel Gas and Plumbing Code, and 780 CMR: Massachusetts State Building Code.
- Working on special projects, as assigned by management – i.e. testing new handheld computer systems, working as floating/special projects inspector, conducting compliance inspections for past due housing units, and inspection of developments in a manner to facilitate the issuance of enhanced vouchers.
- Assisting with training of new inspectors.
- Recommending stop payments and resume payments of the Housing Authority's portion of the rent when compliance is not met in a timely manner.
- Assisting in the development of new training programs between the Inspection Department and other agencies.

Metropolitan Boston Housing Partnership, Boston MA
Housing Inspector II

2006 – 2007

- Inspected vacant and occupied units to ensure compliance with HUD's Housing Quality Standards Massachusetts' Department of Housing and Community Development's Inspection Manual.
- Being familiar and referencing other relevant codes as needed during inspections, including: 105 CMR 410: Chapter II of the Massachusetts State Sanitary Code – Minimum Standards for Human Habitation, 520 CMR 12.00: Massachusetts Electrical Code, 248 CMR 10.00: Massachusetts Fuel Gas and Plumbing Code, and 780 CMR: Massachusetts State Building Code.
- Performed emergency and tenant complaint inspections as needed.
- Educated program participants, appropriate agencies, and the general public concerning HUD and DHCD regulations, policies and procedures.
- Identified tenant-caused violations and providing referrals and/or assistance to the HCEC.
- Evaluated the condition of apartments both during the vacant unit and annual recertification inspections in order to provide an appropriate picture of the apartment to aid the Rent Reasonableness Specialist in determining initial rent offerings, as well as rent increases or reductions.
- Performed related duties as assigned by the Property Owner Service Manager, including training new inspectors, providing staff coverage as needed, and creation and presentation of training materials for office staff and other inspectors.

Boston Housing Authority, Boston, MA

2005 – 2006

Leased Housing Inspector

- Inspected new unit applications to determine compliance with respect to HUD Housing Quality Standards and Chapter II of the MA State Sanitary Code.
- Performed emergency inspections, as needed.
- Provided staff coverage as needed with the department.
- Recommended stop payments and resume payments of the Housing Authority's portion of the rent when compliance is not met in a timely manner.

B.Z. Remodeling Co., Marblehead, MA

2002 – 2007

Property Asset Manager / Supervisor

- Managed portfolio of foreclosed properties managed by company.
- Scheduled necessary inspections with applicable regulatory agencies.
- Prepared estimates/submit bills to all clients.
- Performed initial property inspections on incoming foreclosures.
- Supervised staff
- Performed hands-on maintenance and repair, including framing, roofing, finish and rough carpentry, masonry, and installations as needed.

PUBLICATIONS

Zemel, Felix. "Making Homes Safe and Livable: A vision for new housing codes and regulation enforcement". *Building Safety Journal*. International Code Council. (October, 2009).

INTERNSHIPS

Office of United States Senator John F. Kerry, Boston MA

2004

Intern

Office of United States Senator Edward M. Kennedy, Boston MA

2003

Housing/Press Intern

Office of Massachusetts State Senator Stephen M. Brewer, Boston MA

2003

Legislative Intern

PROFESSIONAL CERTIFICATIONS

- Healthy Homes Specialist #9005229 Exp. 5/30/2011
- Certified Environmental Health Technician #9005057 Exp. 4/30/2011
- Nan McKay HCV Housing Quality Standards, Completed 3/13/2009
- HUD Visual Assessment Training, Completed 4/27/2005
- MA Certified Building Official – Local Inspector #08-04-1573 Exp. 12/31/2011
- MA 1 & 2 Family Construction Supervisor License #CS9195 Exp. 2/26/2010
- MA Home Improvement Contractor Registration #156661 Exp. 7/23/2009
- ICC Certified Property Maintenance and Housing Inspector #8005728-64 Exp. 2/23/2011
- ICC Certified Building Inspector #8005728-B5 Exp. 3/12/2011
- ICC Certified Residential Building Inspector #8005728-B1 Exp. 3/12/2011
- ICC Certified Commercial Building Inspector #80057280-B2 Exp. 3/12/2011
- MA Municipal Police Training Committee First Responder, Exp. 5/2009

OTHER RELEVANT TRAINING/SKILLS

- Languages Spoken: English, Russian, and Spanish
- Computer Skills: Autodesk AutoCAD and Land Desktop, HAPPY Software, Visual Homes, Adobe Illustrator, and Microsoft Office Suite (2000, 2003, and 2007).

PUBLIC SERVICE EXPERIENCE

ELECTED OFFICE

Town of Marblehead Planning Board (May 2006 – April 2007)
Planning Board liaison to the Marblehead Fair Housing Committee

APPOINTED OFFICE

Commonwealth of MA Board of Registration of Sanitarians, Public Member (Jan. 2009-Current)
City of Newton Planning & Community Development Board, Associate Member (Oct. 2007-Current)

VOLUNTEER EXPERIENCE

- Newton Housing Action Plan Initiative, Volunteer (Nov. 2008 – Current)
- Randolph Auxiliary Police Department, Patrolman (Feb. 2006 – May 2007)

PROFESSIONAL AFFILIATIONS

- American Planning Association
 - Housing & Community Development Division
 - Massachusetts Chapter
 - Planning & Law Division
- American Public Health Association
- International Code Council
- Massachusetts Environmental Health Association
- Massachusetts Health Officer's Association
- Massachusetts Public Health Association
- National Environmental Health Association

RESEARCH INTERESTS

- The built environment's interaction with public health
- Healthy Homes Initiatives
- Housing and public health policy
- Natural vs. mechanical ventilation in residential environments
- Concentration of asbestos fibers in the ambient air on highways at various points of the day
- Poverty studies
- Municipal government policies

References available upon request

**ZONING BOARD OF APPEALS MEMBERS
RESUMES**

Hillary S. Brown
39 Crescent Avenue
Newton Centre, MA 02459
(617) 244-1165

**REAL ESTATE
EXPERIENCE**

FAIRLANE PROPERTIES, INC., Boston, MA

Asset Manager 1998-2001

Negotiated all rooftop telecommunications antennae leases for downtown Boston commercial properties; assisted owner with accounting and budget systems for commercial properties.

BEACON PROPERTIES CORPORATION, Boston, MA

Asset Manager 1997

Completed variety of portfolio-wide projects (21 million SF portfolio) including: hold/sell and development analyses on owned properties for presentation to Beacon's Investment Committee; valuation of Beacon's position in joint venture properties; income maximization forecasts; optimal use analyses of Beacon's parking garages. Directed the portfolio-wide leasing budget process for 1998 and 1999 company projections.

Director of Leasing 1994-1996

Represented Beacon in new leases and renewals at Russia Wharf (530 Atlantic Avenue, 270 and 286 Congress Street) and Two Oliver Street, four office and retail properties totaling 533,000 SF in Boston. Leased 276,220 SF in 70 transactions. Significantly surpassed projections of leasing velocity, occupancy and net income in all buildings in each year. Performed leasing-related due diligence work for prospective acquisitions.

METROPOLITAN LIFE REAL ESTATE INVESTMENTS, Boston, MA

Senior Asset Manager 1989-1994

Managed all strategic decisions, valuations, leasing, management, acquisitions and sales for Metropolitan Corporate Center (MCC) in Marlborough and Northborough, MA. Properties included 615,000 SF of office/R&D buildings, 164 apartments, and 900 acres of undeveloped land. Negotiated 14 leases totaling 400,000 SF at MCC. Restructured lease with 186,000 SF tenant following default, saving Metropolitan over \$430,000 and assisting tenant to avoid bankruptcy. Reduced taxes and received \$229,000 abatement from City of Marlborough. Resolved creditors' claims to a bankrupt tenant's assets and obtained \$250,000 judgment for Metropolitan. Thwarted city eminent domain efforts by providing easements to MCC abutters.

VANASSE HANGEN BRUSTLIN, INC., Boston, MA

Urban Planner 1987-1989

Prepared environmental impact reports, permits and approvals for major urban waterfront mixed-use developments.

CHESTERTONS, U.S.A., New York, NY

Asset Manager and Acquisitions Assistant 1985-1987

Monitored operating performance of 12 office and industrial properties nationwide worth \$150 million, totaling two million square feet for the Church of England.

EDUCATION

BARNARD COLLEGE, COLUMBIA UNIVERSITY, New York, NY

B.A. 1985 Major: English Minor: Economics

UNIVERSITY OF PARIS, SORBONNE (1980-1981)

Received Saltonstall Scholarship from Winsor School.

AFFILIATIONS

Newton Public Schools-Chaired Mason Rice School Food Committee for annual school fundraiser, 2002-2005 and Class Parent, 2002-2005.

Buckingham Browne & Nichols Class Parent, 2005-2007; Solicitor for BB&N Annual Fund, 2006-2008.

New England Women in Real Estate, 1997-2008.

Winsor School, Boston. Board of Trustees, 1993-1999; Chairman, Winsor School Annual Fund, 1993-1995.

PROFESSIONAL PROFILE

Of

JOSEPH G. COSGROVE ATTORNEY

1087 Beacon Street
Newton Centre, MA 02459
Telephone (617) 965-2524
Fax (617) 965-1069

Capability Brief:

Real Estate

**Conveyancing; Residential and Commercial
Property Management**

Mortgage Financing Residential and Commercial

Legal Counsel – Builder, Developers, Banks

SUMMARY OF QUALIFICATIONS

Thirty-one years of successful experience in the private practice of law with particular emphasis in real estate areas.

Expertise in representing builders and developers, at local and state levels on matters pertaining to tax abatements and landlord tenant matters.

Broad background in the representation of residential and commercial buyers/sellers, real estate companies, various banks, mortgage companies and private lenders.

Sound knowledge of and experience in contract negotiation arbitration, leases and purchase and sale agreements.

EXPERIENCE

ATTORNEY AT LAW

Joseph G. Cosgrove, 1087 Beacon Street, Newton Centre, MA

(1976-Present)

Extensive legal representation involving all phases of real estate law with special emphasis on work for builder, developers, buyers, sellers, and financial institutions, at local and state levels.

Negotiated contracts involving leases, purchase and sales agreements, handling both residential and commercial properties; including raw land purchase, lease purchase agreements, condominium and related documents.

Served as Arbitrator for real estate disputes.

**ASSESSOR – Board of Assessors
City of Newton, Newton, MA**

(1972-1976)

Participated in procedures for compiling, computing and analyzing valuation data to derive assessment equalization factors for both residential and commercial properties in the City of Newton. Reviews and handled abatement request.

EDUCATION

**Boston College School of Management, Chestnut Hill, MA
Bachelor of Science in Business Management**

**New England School of Law, Boston, MA
JD Degree**

Trinity Catholic High School, Newton, MA

ASSOCIATIONS

The Village Bank – Director
Massachusetts Bar Association – Member
Massachusetts Conveyance Association – Member
Society of Real Estate Appraisers – Former Member
Fortune Guaranty Savings Bank – Former Incorporator/Director

PERSONAL

Married: Mary M. Cosgrove
Real Estate Broker with Hammond Residential Real Estate

Four children: Michael, Maureen, Marybeth and Kate.

Life-long resident of Newton.
Residence 125 Shornecliffe Road

Application for Committee Appointment City of Newton, MA



Name: James H. Mitchell

Date: November 30, 2006

Home Address: 83 Countryside Road, Newton Centre, MA 02459

Home Phone: 617-969-6660; Cell 617-875-7337

d.o.b. May 5, 1959, Newton, Mass.

Business Address: Bobson Realty, 4 Copley Place, Suite 110, Boston, MA 02116

Business Phone: 617-578-9800

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

Email: jhm83@comcast.net

Fax: 617-507-1279

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 your 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

James B. Fox, Esq. 91 Deborah Road, Newton Centre 617-790-3310

Martina Jackson, Chair c/o Newton Board of License Commissioners

Jason Rosenberg, Esq. 45 Village Circle, Newton Centre 617-964-7000

**HARVEY A. CREEM
110 HUNTINGTON ROAD
NEWTON, MA 02458
617-969-0387**

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 reorganization 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 account and business problems.

Other Experience and Associations:

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

JONATHAN S. SALES
Attorney at Law
21 School Street
Boston, MA 02108
Cellular: (857) 234-4200

BAR ADMISSIONS:

The Massachusetts Bar, 1991.
The United States District Court for the District of Massachusetts, 1992.
The United States Courts of Appeals for the First Circuit, 1992 and Ninth Circuit, 1993.

PROFESSIONAL EXPERIENCE:

THE LAW OFFICE OF JONATHAN S. SALES, 21 School Street, Boston, MA (1996-Present).

- **Corporate and Business:** Counsel to business entities in the following industries: marinas, newspaper & television, food-service, real estate, construction, health care, high-technology, taxi and limousine services, and tour trolley operations. Representation included the purchase and sale of businesses and assets (including negotiation), drafting contracts and corporate documents (including confidentiality agreements, non-competition agreements, stock offering memoranda, licenses, commercial leases, severance and employment agreements for executives and doctors), real estate construction and improvement issues, business organization and formation, assisting in the formulation and drafting of personnel procedures and manuals (including non-discrimination policies), drafting of by-laws and procedures manuals for real estate associations and health care facilities, advising clients on hiring and termination procedures and issues, enforcement of interstate judgments, assisting clients with permitting, zoning, code violation and licensing issues.
- **Business & Discrimination Litigation:** Represented clients involved in business disputes, discrimination and ADA matters, unemployment issues, breach of contract actions, insurance issues, construction matters, license and lease disputes, intellectual property, real estate matters (including foreclosure and breach of lease disputes), liquor liability, disputes regarding hospital and education institution by-laws.
- **Real Estate:** Represented lenders, buyers, and sellers in all aspects of commercial and residential real estate transactions, drafted nominee trusts, real estate trusts, offers to purchase, letters of intent, purchase-and-sale agreements, and option to purchase; litigation including boundary disputes, licenses, purchase and sale agreements, mortgage contingency clauses and leases, cleared titles including issues involving bankrupt and defunct financial institutions.
- **Immigration:** Represented persons in all aspects of immigration applications and litigation, including business based non-immigrant and immigrant visas (including H, O, and P Visas), all aspects of family based immigration experience, deportation defense, appeals to the BIA and Federal Courts.
- **Appellate Matters:** Represented clients in all aspects of Civil and Criminal appeals including briefs filed with the United States Court of Appeals for the First Circuit, U.S. Supreme Court, the Supreme Judicial Court and the Appeals Court for the Commonwealth of Massachusetts.
- **Second Language Skills:** Spanish. Producer of a weekly Spanish language public-service program.

THE LAW OFFICE OF WILLIAM P. HOMANS, JR., Boston, MA (2/91-2/97)

- Associate to William P. Homans, Jr., Esquire.
- Responsibilities included representing clients at all stages of civil and criminal litigation and on appeal.

LICENSED STOCKBROKER AND FINANCIAL CONSULTANT; Dean Witter Reynolds,
Boston, MA (7/87-8/88).

- Managed personal investment accounts utilizing investments in stocks, bonds, government securities, limited partnerships, real estate investments, commodities, and mutual funds.

PERSONNEL CONSULTANT: Cambridge and Waltham, MA (1/85-7/87)

- Established insurance placement division for Sullivan & Cogliano, consulted on salary structures.
- Designed and implemented marketing campaigns and composed advertisements.
- Recruited and trained mentally handicapped persons to work in the competitive work force as a consultant.

EDUCATION:

NORTHEASTERN UNIVERSITY SCHOOL OF LAW, Boston, MA: J.D. (1991).

- Recipient of Academic Merit Scholarship (LSAT: 97th Percentile).
- Selected to Compete in the 1989 and 1990 (Team Captain) National Moot Court Competition.
- Co-President of the Student Bar Association, N.U.S.L. Chapter.
- Assistant to Professor Denise Carty-Bennia.
- Studies on the Corporate Disclosure and the S.E.C.; seminars on Partnership and Corporate Tax, Evolution of Civil Rights and Discrimination Law; Corporations and the First Amendment.

BATES COLLEGE, Lewiston, ME: B.A., Political Science (1984).

- Dana Scholar (Awarded for Highest Honors, Potential and Leadership).
- Thesis: modeling and statistical analysis of the effects of national economic conditions on the voting behavior of congressman.

THE LONDON SCHOOL OF ECONOMICS, London, England (9/80-5/81).

Selma H. Urman
90 Shady Hill Road
Newton, MA 02461

Selma.Urman@state.ma.us

Telephone (617) 965-2524

Education

B.A., Political Science, Northwestern University, Evanston, IL, June 1975

J.D., Boston University, Boston, MA, June 1978

Experience

Presiding Officer, Massachusetts Energy Facilities Siting Board, Boston, MA
September 1998-present

Conduct administrative hearings and draft tentative decisions for the Siting Board's consideration on petitions for construction of power plants, natural gas pipelines, and electric transmission facilities. Drafted proposed regulations on the oversight of construction of jurisdictional natural gas pipeline facilities.

Hearing Officer, Massachusetts Department of Telecommunications and Energy,
Boston, MA, September 1992-September 1998

Conducted administrative hearings and drafted proposed decisions for the Commission on petitions for approval of utility rate increases, exemptions from local zoning bylaws, contracts for the procurement of natural gas and utility financing. Drafted standard of review for the review of natural gas contracts following the issuance of FERC Order 636. Participated in drafting sections of the Electric Restructuring Act of 1997. Assisted General Counsel on appellate matters.

Hearing Officer, Brookline Rent Control Board, Brookline, MA
January 1984-September 1992

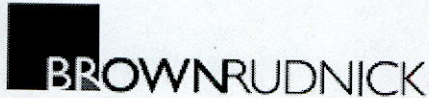
Conducted administrative hearings and drafted decisions related to petitions for rent increases and evictions. Advised General Counsel and Director on legal and policy matters.

Honors and Activities

Phi Beta Kappa, inducted June 1975

Member, City of Newton Zoning Board of Appeals, December 2000-present

Thomas J. Phillips



Thomas J. Phillips
Partner
Real Estate

Mr. Phillips has been practicing commercial real estate and land use law since 1987. He has counseled owners, developers, landlords, tenants, lenders and investors in a variety of property acquisitions and sales, development and permitting projects, leases, debt and equity financings and other sophisticated real estate transactions spanning virtually all asset classes. He has had particular experience working with shopping centers and other retail properties and was recently appointed by the International Council of Shopping Centers (ICSC) as its State Director for Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Prior to joining Brown Rudnick, Mr. Phillips was a partner in the Boston law firm of Hutchins, Wheeler & Dittmar, where he served as Real Estate Department Chair.

Representative Engagements

- Counsel to preeminent national life sciences REIT. Transactions have included the acquisition and financing of millions of square feet of space for purchase prices exceeding \$1.25 billion, as well as subsequent leasing, development, permitting, construction and refinancing activity.
- Outside real estate counsel to one of the nation's largest big box retailers for over 13 years. Transactions have included negotiating dozens of lease agreements nationwide for retail store and non-retail properties (including sales offices, distribution facilities and a 45,000 square foot state-of-the-art corporate data center); the purchase in bankruptcy court of a portfolio of 40 leases encompassing 1.7 million square feet of retail and warehouse space in several states; dozens of transactions involving the leasing and other dispositions of over 1.5 million square feet of surplus property throughout the United States; negotiating for the purchase and development of freestanding retail store sites; defending eminent domain proceedings; and prosecuting lease and land use disputes.

- National and/or regional leasing counsel to several prominent big box retail and restaurant chains.
- Counsel to several developers of new shopping centers throughout New England.
- Representing internationally renowned manufacturer as outside US real estate counsel. Transactions have included sale/leaseback of a 300,000 square foot headquarters facility, as well as four regional warehouse and distribution facilities totaling 750,000 square feet.
- Represented internationally prominent department store chain in over 40 development projects and proposals for freestanding facilities throughout New England. Assignments included negotiating purchase agreements for land assemblies, ground leases, joint development agreements and reciprocal easement agreements; rezoning projects; appearances in front of planning boards; zoning appeals and tax assessment negotiations.
- Represented local charter school in its purchase, development and financing of a new school campus in a Boston neighborhood.
- Representing local professional sports team in a variety of real estate matters, including restaurant leasing.
- Represented nationally prominent technology company in its leasing of a build-to-suit office building in Cambridge, Massachusetts, and in the subsequent conversion of the building to bio-tech and attendant subleasing program.
- Represented one of the nation's largest commercial banks in its management, leasing, redevelopment and eventual sale of a distressed 250,000 square foot shopping mall in Boston, Massachusetts; and in an \$18.7 million industrial revenue bond financing for an adjacent 1,000-car parking facility.
- Represented a joint venture in its purchase and development of a 50-unit condominium project in Boston's South End.
- Represented local developer in development, permitting and financing of 65-lot planned residential subdivision community in greater Boston.

Speaking Engagements

- In the past several years, Mr. Phillips has lectured, been a panelist and been

a moderator in various educational programs sponsored by the International Council of Shopping Centers (ICSC), the National Retail Tenants Association (NRTA), CLE International and Massachusetts Continuing Legal Education (MCLE).

Bar Admissions

- Admitted, Massachusetts Bar

Professional Memberships

- Combined Jewish Philanthropies: Real Estate, Design and Construction Team 2009 Annual Dinner Co-Chair and 2008 Annual Market Update Co-Chair
- Zoning Board of Appeals, Newton, Massachusetts: Associate Member
- International Council of Shopping Centers (ICSC): 2009 State Director for Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; New England Idea Exchange 2009 Chair and 2008 Co-Chair; 2007-2009 Eastern Division Next Generation Chair
- National Retail Tenants Association (NRTA)
- National Association of Industrial and Office Properties (NAIOP)
- Real Estate Finance Association (REFA) of the Greater Boston Real Estate Board
- Real Estate Bar Association (REBA) of Massachusetts
- Boston Bar Association
- Massachusetts Bar Association: Appointed to Property Law Section Council, 1995-1998
- American Bar Association: Real Property, Trust and Probate Law and Business Law Sections

Contact

P: +1.617.856.8383

F: +1.617.289.0682

tphillips@brownrudnick.com

Boston, MA

Practice Areas

Real Estate
Retail and Shopping Centers

Education

Boston University
School of Law
- J.D., 1987

- Editor, *Boston University
Law Review*

Bowdoin College
- A.B., 1984

Vincent Farina
24 Manemet Road
Newton, MA 02459
(617) 244-4619

OBJECTIVE: To continue to utilize my experience as a residential broker in the City of Newton and surround 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 LABORATOREIS, 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 Medical 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

Activities Current associate member Newton Zoning Board of Appeals

William M. McLaughlin
117 Hammond Street
Newton MA 02467

May 13, 2009

- 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.