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James Freas
Acting Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: January 23, 2015
MEETING DATE: January 27, 2015
TO: Land Use Committee of the Board of Aldermen
FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner
CC: Petitioner

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

PETITION #362-14

556 Ward Street

Request for Special Permit/Site Plan Approval to waive 26 parking stalls and associated dimensional requirements for an orthodox synagogue.

The Land Use Committee (Committee) held a public hearing on November 18, 2014. The Planning Department has received the following information in response to questions raised at the public hearing. The petitioner's response, which includes additional background information on the history of the congregation, is provided in **Attachment A**.

Engineering Review. The Engineering Memorandum (**Attachment B**) provides an analysis of the proposal with regard to engineering issues. In the memorandum, the Associate City Engineer requests that the petitioner construct a sidewalk and driveway apron to fill in the blank stretch along the southerly side of Ward Street. The petitioner does not believe the proposed improvements are their responsibility. The Associate City Engineer did not raise any concerns relating to drainage.

Parking Study. The petitioner did not submit a parking study; however they did provide a narrative on the parking demand for different services/events. In the response, the petitioner indicates that the five on-site parking stalls absorb 80%-90% of the typical parking demand. During special events where people can drive, the parking demand may increase to approximately 20 cars. The petitioner instructs its members to park on Commonwealth Ave during these events if possible. Without a

parking study it is difficult to determine what portion of the membership follows these directions. However, in general it appears that there are very few of these large events over the course of the year, and that the overflow parking for these events can be accommodated on Commonwealth Ave, without adversely impacting the neighborhood. While the Planning Department would prefer to see the parking counts, the implementation of a comprehensive parking plan should mitigate the impacts on the neighborhood.

Parking Management Plan. The petitioner did not provide a parking management plan. However there is an existing parking management plan within the “Community Outreach and Parking Management Plan” that was approved for the Congregation Shaarei Tefillah at 35 Morseland Avenue in a previous special permit (**Attachment C**). The referenced parking management plan was created with the intent of addressing the multiple congregations in the neighborhood. The Planning Department believes that this is an effective approach and recommends that the petitioner use a similar template. As outlined in the referenced parking management plan, the petitioner should make every effort to coordinate its parking policies with the other two congregations in the neighborhood, as it will create a more comprehensive plan and will ensure a more efficient use of resources.

Lighting and Landscaping Plan. The petitioner submitted a proposed landscaping plan that provides for additional plantings along the rear of the site (**Attachment D**). The petitioner provided an email from the neighbor at 550 Ward Street, which is the direct abutter to the east (side). The neighbor indicated that they did not want additional fencing or landscaping along the side property line. The petitioner did not provide a lighting plan. The petitioner should confirm that there is no spillover of light onto the adjacent residential properties.

Conditions from the Special Permit for Congregation Shaarei Tefillah. The Planning Department recommends that most of the conditions that were implemented in the special permit for Shaarei Tefillah, which is located in close proximity to the site, are included in the board order for this special permit, if approved. The proposed conditions (**Attachment E**) should address many of the concerns regarding traffic and noise.

Recommendation

The Planning Department recommends that the petitioner provide a parking management plan similar to the plan provided for Shaarei Tefillah. The Planning Department believes that such a plan, in addition to the proposed conditions, will adequately mitigate the impact of the use and associated parking on the surrounding neighborhood.

ATTACHMENTS

Attachment A – Petitioner’s Responses

Attachment B – Engineering Division Memorandum

Attachment C – “Community Outreach and Parking Management Plan” from Board Order #121-09

Attachment D – Landscape Plan

Attachment E – Applicable Conditions from Shaarei Tefillah Board Order

Beit Sasson
The Sephardic Congregation of Newton
556 Ward St.
Newton Centre, MA 02459

**Working Session with City of Newton
January 27, 2015**

*Responses to Planning Department Memorandum re Issues Raised at Public
Hearing*

- 1. Law Department to prepare memo on the Dover Amendment**
- 2. Planning Department with Inspectional Services Department to prepare information on the 2012 building permit**
- 3. City Engineer's Request to the Synagogue to extend the sidewalk along adjoining Grassed Parcel (see also para. 11 in the Planning Memo)**

In the City Engineers Memo of November 17, 2014, he request that the Synagogue consider paying for the installation of a sidewalk on the southerly side of Ward Street adjoining the grassed parcel (S 13 B 32 L1) owned by Beth El Atereth. This is the parcel bounded by Ward Street, Carriage Road, and Commonwealth Avenue. The Synagogue has no rights to or along the area in which a sidewalk could be located. Paving the sidewalk is within the domain of Beth El Atereth. The Synagogue would encourage Beth El to put in such a sidewalk since the grassed parcel is heavily used by its congregants as well as the Synagogue's.

4.A. Parking Responses

The following guidelines have already been sent and will continue to be sent to congregants, and handed out as well:

"Outside of structured play time, parents are asked to supervise and know where their children are at all times.☐Children must never run around unsupervised in the building. Thank you.☐ ☐

Child Safety☐There have been several instances where young children have almost been hit by cars as they dash into Ward Street without first looking for oncoming traffic. It is extremely important that you supervise your young children if they are not in group or in the Sanctuary with you. Please discuss this very important issue with your children, and then take responsibility for the safety of your own child.☐ ☐

Parking Guidelines. ☐Following the recent hearing at Newton City Hall, we are implementing new guidelines in an effort to be sensitive to issues brought about by our neighbors.

1. Please follow all driving safety laws.
2. Do not back up into Ward St. It is a one way street in front of our synagogue.
3. Avoid parking in narrow streets such as Ward St. and Morseland St. if possible. Instead use the parking spaces available on Commonwealth Ave, including the carriage lanes.☐
4. Be considerate to our neighbors: please park at least 5 ft. away from a driveway. Keep in mind that someone will need to be able to easily get out of that driveway.☐
5. On snow days, avoid parking on both sides of narrow streets such as Ward St. and Morseland St. This will allow for a safer passage by all drivers.☐

6. On snow days, please do not park across a neighbor's driveway. They need room to safely get out of their own driveway.☐
 7. Please do not make U-turns in narrow streets.☐
 8. Please be considerate of our driving neighbors. Walk on sidewalks and not in the middle of the streets.☐
- Thank you for being a good neighbor."

4.B. Parking Usage

Since Beit Sasson has been using the building since 2005, and prior to that in Beth El Atereth since 1987, and since the number of member families has remained relatively level for more than 20 years, the following patterns are known and projected to continue.

a. existing and anticipated usage of parking facilities on- and off-site for NON-HOLIDAY weekdays and Saturday:

Mon-Fri: services 6:15 am-7:15am. 7-12 people.

Parking easily met by the Synagogue's on-site parking area, and some on Commonwealth Ave./Carriage Rd.

Fri: services at sundown for maximum one hour 5-12 people. Most people walk and do not drive on the Sabbath. 3-4 people bring cars Friday before sundown and leave them overnight in on-site parking area.

Sat: services 8:30 am - 1:00 pm. 20-35 people.

Most people walk and do not drive on the Sabbath

services 5:00 pm-7:00 pm. 10-15 people

Sun: services 8:00am-9:15am. 7-15 people.

Parking easily met by on-site parking area, and some on Commonwealth Ave./Carriage Rd.

b. Existing and anticipated usage of parking facilities on- and off-site for RELIGIOUS HOLIDAYS:

Most people walk and do not drive on Religious Holidays. 4-5 people bring cars before sundown and leave them overnight in on-site the parking area.

c. Special events (when people can drive):

There are two such events: Hanukkah (approx. mid-Dec.), and Purim (approx. mid-March): over the past 8 years, attendance has averaged 60 people representing about 20 cars (occupancy 2-4 people per car). Parking is easily met by on-site parking area, and with some overflow on Commonwealth Ave./Carriage Rd.

d. Rental of the function hall (anticipated number of rentals per year):

Without a function hall to rent since 2005, there have been approximately 8 times when a tent was rented. These were for Bar/Bat Mitzvahs for celebratory lunches. Since they took place on Saturday, driving would have been prohibited. Total number of members and guests would have ranged from 20 to 60 people. 4-5 people bring cars before sundown and leave them overnight in on-site the parking area. Total number of rentals

is considered low.

e. Miscellaneous Use Of Either The Sanctuary Or Function Hall

As an example of miscellaneous use of the sanctuary or function hall, periodically the Boston Talmudic Academy (“Kollel”) has been invited to give a class at which anywhere from 5 to 20 people may show up. These classes are held for the benefit of the congregation and during times and days when driving is permissible. Parking is easily met by the on-site parking area, and with some overflow on Commonwealth Ave./Carriage Rd.

If there were to be a lecture, which would draw interest and attendance from the Orthodox Jewish Communities, some attendees would be from Shaarei Tefilah and/or Beth El. In such cases there is no added traffic/parking impact from a third synagogue because they could have attended a similar lecture at their respective synagogues.

There might be other instances when either the function hall or sanctuary would be used for a lecture. Both could not be in simultaneous use since the parking waiver is based in part upon sequential use, i.e., function hall is empty until those in the sanctuary leave and enter and use the function hall, at which time the sanctuary becomes and remains empty. Parking is easily met by the on-site parking area, and with some overflow on Commonwealth Ave./Carriage Rd.

It is hard to project the anticipated number of rentals for the function hall. An estimate might be 5 to 10 per year, but certainly not more.

f. Overview

Because of the small size of the sanctuary and the function hall, and because the parking waiver is justified by sequential use of the sanctuary and function hall, there should be no reason to impose a restriction that events at the site are limited to those for members. Similarly, a condition, which requires a police detail is unnecessary.

In some special permits for parking waivers, there also is a restriction that requires a police detail for events or Bar/Bat Mitzvahs at which 250 or more people are expected. The history of Beit Sasson, the small size of the sanctuary and function hall, and the maximum legal capacity of the building, and sequential use of the two large “rooms” all preclude events and religious services at which 200 or 250 people would be present.

5. Parking Management Plan

Given the past and projected usage of the site, a full-blown parking management plan is unnecessary. Conditions in the special permit can be tailored to the low usage of traffic and parking generated by the Congregation.

6. Traffic along Ward St. and Morseland Ave/Emergency Access

[Planning: Regarding traffic along Ward Street and Morseland Avenue, address specifically the adequacy of emergency access and traffic volumes. In this response, the petitioner should also clarify how the development will impact the movement of pedestrians and vehicles entering and exiting the site and in the surrounding area.]

Beit Sasson has been operating at what is essentially the same location (561 Ward from 1987-2005, and at 556 Ward Street since 2005) for 28 years. The number of families has remained relatively the same, i.e., 30 to 40 active families with an addition 5 to 10 families providing additional financial support but otherwise “inactive”. Beit Sasson contributes less than 10% of traffic on Ward St, and almost none on Morseland Ave.

Considering the small size of Beit Sasson’s congregation, and knowledge of the members’ uses and non-uses of automobiles, and the number of members walking to and from the building, Beit Sasson’s presence on Ward Street over the past 28 years did not, and looking ahead will not adversely impact movement of pedestrians and vehicles entering and exiting the site, and vehicles and pedestrians in the surrounding area.

Nevertheless Beit Sassoon has started a campaign to educate its members and guests about **parking issues**. Its parking guidelines (see [para #6]) are posted at several locations within the building; ii) have been (and will continue to be) mailed and emailed to its entire mailing list; a iii) are posted on its website, and iv) are mentioned at services.

The traffic generated by Beit Sasson is and will remain significantly less than the other neighboring synagogues’ generated traffic and parking, whether as individual institutions or cumulatively. The immediate abutters who have known of Beit Sasson’s existence, to our knowledge, have never had a complaint about parking, traffic or pedestrian traffic, and noise generated by the Synagogue.

There is access to all four sides of the building in an emergency.

The congregants and any invitees are discouraged from parking on Ward Street, but rather use the on-site parking and public parking on Commonwealth Avenue/Carriage Road, where automobiles and pedestrians are less likely to create crowded sidewalks and parked cars on streets too narrow to carry parking plus traffic plus pedestrians often walking in the streets. During “drive times”, parking and traffic generated by Beit Sasson is imperceptible compared with that generated by Beth El and also Shaarei Tefila.

In addition, Beit Sasson is working with other synagogues (Beth El Atereth and Shaarei Tefilah) regarding traffic in the area.

The new Social Hall will be too small for a wedding but could be used for a lunch-time gathering, although in that case the lunch-time gathering would be limited to the imposed capacity of the Social Hall.

It is the Synagogue’s understanding that the parking waiver is dependent upon the new social hall not being occupied at the same time as the sanctuary is in use. That means that for functions, lectures, etc. The limited capacity is restricted to the use of the sanctuary or the social hall, but not both simultaneously.

Similarly, an elaborate parking management plan is unnecessary.

7. Landscaping Plan

A landscaping plan has been prepared. Planning had suggested that the solid wooden fence along the easterly lot line of the property be extended further towards the street to provide further screening as to the driveway. The fence is actually owned by Rosalie and Sol Shuman of 550 Ward Street. They indicated in writing that they do not want the fence extended toward Ward Street. Other than a fence at the lot line, there is no room between the Synagogue's driveway and the lot line for additional plantings.

There was a request by Planning to consider adding low plantings in the front yard, especially near the center of the yard and near the sidewalk. That is not feasible because the umbrella and the root system of the large tree has killed off and will continue to kill off any such additional plantings. And as a practical matter adding plants and shrubs to the front yard will have the effect of forcing congregants off of the front lawn and towards the sidewalk and street, which is contrary to the Synagogue's efforts to keep congregants away from the sidewalk and street!

The Synagogue has planted significant year-round plantings at the base of the foundation in the front yard as shown on the landscaping plan, and elsewhere on the property. The plan shows adding 8 arborvitae with a height at planting of 8-10 feet along the rear between the parking spaces and the 6 foot high stockade fence. Along the westerly boundary, there are 19 existing 14+ foot high arborvitae, that are the Synagogue's, but which have grown sufficiently large as to spread along both sides of the property line. In addition running along the base of the foundation on the westerly side and front of the building there are 13 arborvitae 3-5 feet in height, one also on the front lawn and one by the accessible ramp.

The focus of the Synagogue's existing plantings and proposed is to screen the site from three sides and with the fence on the easterly side between 550 and 556 Ward ending as it presently does, and to have the front yard along with the front facade appear residential.

Beit Sasson heeded the request of neighbors to keep the building's Spanish style residential appear, and to diminish an institutional appearance. In that vein, the exterior lighting is residential in style.

8. Response to suggestions from the Land Use Committee

a. Restrictions precluding rental of the function hall to outside individuals/organizations.

As stated in para. 6, Beit Sasson does not believe such a condition is necessary. The limited size of the function hall and restriction prohibiting simultaneous use of it with the sanctuary, and the history of the use of the original part of the building indicate such a condition to protect the neighborhood is unnecessary.

b. There have been no instances during certain holidays in which driving is allowed (e.g., Chanukah and Purim) where the number of the attendees was so great as to create a dangerous or potentially dangerous situation. A police detail should be in the discretion of the Congregation's leadership who are able to tell if such a police detail would be wise. There is no likelihood that an event, service or other such use of the building and grounds would generate 250 attendees.

c. Similarly a shuttle service anticipates a level of attendees that the building could not generate.

d. The leadership has already agreed to designate a "point of contact" representative to deal with both neighborhood disputes and general communications with neighbors: Simon Levy, since 2005

e. The leadership has already agreed to participate in a neighborhood liaison committee. Several members have been participating in efforts to improve communications between the three synagogues and between the synagogues and the neighbors. Simon Levy is also the contact person for the neighborhood liaison committee

9.a. Explanation of 2012 permit application

In 2005 when a member of Beit Sasson purchased the house across from Beth El, they did not use an attorney with a background in zoning. The leadership at that time “thought” that they were not creating a formal house of worship but that they were a “prayer group meeting in a residence”. There is a distinction in the mind of Jews between a synagogue, which is a formal body, and a “Minyan” which is a loose body of people numbering 10 to 15, who have small daily and informal services.

They continued to assert that in 2012 and 2013 when they pulled a permit for the 30’x30’ one-story addition at the rear of the building as a “residence”. When they hired Attorney Jason Rosenberg after Commissioner Lojek issued a stop work order, Attorney Rosenberg informed them that from the time the members moved from the basement of Beth El across the street into the residential building and it no longer had people residing there, the building became a house of worship and a place of public assembly, both of which required various zoning approvals including a parking waiver. So strong was the sentiment of the leadership that it was not a house of worship that Attorney Rosenberg called the commissioners in the Towns of Brookline and Needham and they confirmed Commissioner Lojek’s determination.

The leadership has repeatedly expressed that they had no intention to deceive anyone, most especially the City but in retrospect should have hired an attorney with zoning knowledge. Had they intended to deceive and to “operate under the radar”, they certainly did not operate that way. Rather just the opposite as follows:

- a) In 2005 when the building was purchased, the leadership initiated a meeting with the Morseland neighborhood liaison association, which took place **11/8/2005**. At that meeting Beit Sasson informed the neighbors that it was moving from across the street in Beth El’s basement to 556 Ward Street.
- b) The building was inspected for occupancy **3/1/2006**. There is a copy of the signed Building Permit. During that inspection the first floor was already set up as a Sanctuary with chairs, a central table, etc.. There was no intention to hide the use of the building from the inspectors.
- c) In the Fall of **2007** the Aldermen from Ward 2 (Stephen Linsky, Susan Albright and Marcia Johnson) met with attorneys to explore the idea of establishing a Synagogue/Neighborhood Liaison Committee for the Morseland area. The memo that was sent to neighbors refers to the "three Synagogues in our neighborhood". Moreover, in an email dated **11/16/2007**, Alderman Linsky invited us to the initial meeting of the Liaison Committee. Clearly everyone in the area, including the Ward 2 Aldermen, knew of our existence as a synagogue.
- d) There has been a sign above the entrance that says in big letters "BEIT SASSON" since 2007.
- e) When the present building permit was requested in the Fall of 2012, 556 Ward was still classified as a private residence. We were and are still paying property taxes, and it was as such that the permit was sought.

9.b. Request that owner of the property appear at the working session.

I spoke with the owner of the property, Edmund I. Shamsi. The owner has a very limited role as to the operations of the Synagogue, and therefore was not involved in the permitting in 2013 other than looking at the plans for the addition and giving his approval. He will have little to add to any of the issues. Therefore, per Chairman Laredo's discussion with me, the owner has provided a letter that indicates his inability to travel, and that also indicates his level of involvement with the property and his knowledge (or lack thereof) of issues of interest to the Land Use Committee.

10. Communications with the 2 other synagogues

The leadership of Beit Sasson has been in communication with leadership at Congregations Shaarei Tefilla and Beth El Atereth including a memorandum and meetings. Micha Avromovich, Simon Levy and Benny Shamash have been in communication with both congregations. Benny Shamash has kept both congregations informed of the latest developments affecting the neighborhood.

11. Communications with Beth El as to installation of the sidewalk and driveway apron

See #3 above. We have been in contact with the leadership of Beth El in this regard. We have no response as of yet. We will inform the city of any development in this regard.

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 556 Ward Street

Date: November 17, 2014

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*556 Ward Street
Newton, MA*

Prepared by: Peter Nolan & Associates, Inc.

Dated: 4/18/14

Executive Summary:

The only recommendation I have is that the applicant should construct a sidewalk and driveway apron to fill in the blank stretch [along the southerly side of Ward Street] since members of the Sephardic Congregation walk to the Temple for various services and events it would be a benefit for them as well as the neighboring Temple the Congregation Beth El of Newton. (See attached photos)



Looking Westerly Missing sidewalk & driveway apron



1. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
2. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

CONGREGATION SHAAREI TEFILLAH
Community Outreach and Parking Management Plan
June 2009

For the past several years Congregation Shaarei Tefillah has been preparing plans and raising funds to accomplish a much needed expansion of their synagogue located on Morseland Road. Representatives of the congregation and its consultants met with several representatives from the neighborhood several times between 2007 and 2009 to review the impact of the proposed addition on the neighborhood and to better understand the concerns of the synagogue's neighbors. The synagogue understands that any institutional use has an impact on a residential neighborhood and that the Morseland Road neighborhood in particular is the home of more than one religious institution. In the past several months, the synagogue Building Committee has formed a working group with several of the neighbors to discuss operational issues and landscape screening in particular. As a result of these meetings and discussions with neighbors over the past two year period as well as input from Aldermen Linsky, Johnson and Albright, all of whom have participated in meetings with the neighbors and with the working group, and input from the City of Newton Planning Department, Congregation Shaarei Tefillah commits to the following plan.

1. Communication and Coordination

The synagogue is committed to an ongoing working relationship with its neighbors and to participating in a neighborhood liaison committee. The committee will be comprised of at least three members of the Congregation Shaarei Tefillah community, at least one of whom will be a member of the Building Committee (so long

as the Committee remains in existence), three residents of neighborhood who are not members of Congregation Shaarei Tefillah and one of the ward aldermen. In addition, Congregation Shaarei Tefillah, with the help of the ward aldermen, will encourage and invite representatives from the Beth El community to participate. The liaison committee will meet initially at least once quarterly and more frequently, if necessary, during the construction process to discuss issues of importance to the abutters and congregation such as parking management, construction management and ways in which the synagogue and neighbors can promote the viability of the city and the neighborhood (e.g., jointly sponsored community events). The liaison committee will develop an email list for purposes of circulating important information and events to members of the liaison committee and others in the neighborhood. Congregation Shaarei Tefillah will develop a calendar of events for posting on its website that lists congregation events and social celebrations. Congregation Shaarei Tefillah will also designate both weekday and weekend (subject to Sabbath restrictions) contact persons and post the names and telephone numbers of those persons on its website so that members of the neighborhood community will have a contact person if issues arise.

2. Parking Management

The congregation will continue its efforts to educate its members and their guests concerning parking and walking on neighborhood streets. Frequent reminders from Rabbi Samuels urging consideration of our neighbors when parking on streets surrounding the synagogue have improved the habits of many congregation members and will be continued in the future. Although the synagogue cannot directly control the

driving or parking of its members, it can and will take an active role in ensuring that its members receive frequent written and oral reminders encouraging members to go beyond the requirements of the law in showing consideration for surrounding homeowners when walking to synagogue on the Sabbath and other occasions and when parking to attend synagogue events.

For events where attendance of more than 150 persons is anticipated and where driving is permitted, Congregation Shaarei Tefillah will do the following:

- A. Arrange for a City of Newton traffic police presence on Morseland Avenue to assist with and direct appropriate parking and alleviate congestion
- B. Contact Boston College and other possible locations that might serve as satellite parking on occasion for the synagogue.

Although Boston College will not commit to "regular" use of the Law School parking facility, they have indicated that they would be open to possible use by the synagogue on an as available basis (see attached letter). Given that the need for parking by a large numbers of people is not anticipated to occur frequently throughout the year and because the synagogue generally knows well in advance when these events will occur there should be time to coordinate with Boston College and other possible locations.
- C. Contact Beth El to determine whether the day or event in question is also a day and/or event when Beth El anticipates generating a

need for parking spaces in the area. If so, Congregation Shaarei Tefillah will (subject to Beth El's agreement) participate with Beth El in arranging for the police detail referenced above and coordinate with Beth El in terms of identifying and contacting possible other offsite locations for parking.

- D. On occasions when a police detail is utilized, the congregation will make it clear to the officer that members attending the event are expected to comply with all city parking requirements and the officer will be encouraged to ticket cars found not to comply and take any other appropriate enforcement action. Congregation Shaarei Tefillah agrees to provide a set of written directives to the Newton Police officer involved in the traffic and parking detail that sets forth these principles.

3. Operational Issues

A. Outside vendors and service providers

The Congregation agrees to provide each of its vendors and service providers with a set of written directives concerning how and when deliveries may be made and trash removed from the synagogue.

- i. Dumpster service is restricted to hours between 7:00am and 5:00pm only on weekdays. Dumpster service will be scheduled so that the dumpster does not overflow.

- ii. All delivery trucks will utilize the parking and loading area in the rear of the synagogue. Trucks will be instructed not to leave motors running and idling when unloading deliveries.
- iii. All snow will either be stored on site or removed from the site. No snow will be dumped on sidewalks, streets or neighboring properties.
- iv. Renovation of the synagogue will include additional refrigeration equipment which should provide relief for refrigerated catering trucks that now occasionally operate overnight.

B. Synagogue Events and Operations

- i. The synagogue has reiterated that it has no plans (and no capacity) to run a day school, daycare operation or other regular school on the synagogue premises and is willing to accept such a condition.
- ii. As the synagogue now anticipates being able to accommodate the social events previously held in outside tents within its new Kiddush room, the synagogue is willing to agree that there will be no outside tents erected for social events. There are occasional religious services or temporary structures of

a religious significance conducted outside, e.g., on Sukkot.

- iii. The synagogue is sensitive to the concern raised by some of its neighbors that the Kiddush room would be rented for social events to outside groups. Although the new Kiddush space will not be particularly well suited to this use, the congregation will limit rental of its Kiddush hall for parties, including weddings and bar and bat mitzvahs and other social events, to members of Congregation Shaarei Tefillah.
- iv. Social events will be scheduled to end no later than 10:00pm on weekdays and midnight on weekends. The congregation also notes that there may occasionally be religious observances and/or educational programs that extend beyond 10:00pm during the week but that these do not generally involve a significant number of people and are not "social" in nature.
- v. All windows to the Kiddush room will be kept closed anytime amplified music is played in the Kiddush room.

APPLICABLE CONDITIONS FROM THE SHAAREI TEFILLAH SPECIAL PERMIT

1. All new exterior glass in the addition shall be dual-glazed. All new exterior doors on the addition shall be noiseless in their operation.
2. Exterior lights shall be chosen and placed so as to have minimal impact on neighborhood residents and shall be subject to the review and approval of the Director of Planning and Development.
3. Any new signage shall require a sign permit with review by the Urban Design Commission and approval by the Director of Planning and Development.
4. All plans shall comply with applicable fire, health and building codes, as well as with the City's Tree Preservation and Noise Ordinances.
5. Working with the City of Newton, the petitioner shall participate in a standing neighborhood liaison committee comprised of at least three members of the Sephardic Congregation community, three members of the Congregation Shaarie Telifah community, at least three residents of the neighborhood who are not members of the two congregations, and at least one of the Ward 2 aldermen. As soon as possible after the date of approval of this Special Permit, the petitioner shall appoint its representatives.

The purpose of the neighborhood liaison committee as set out more fully in the Community Outreach and Parking Management Plan, dated June 2009 approved under Board Order #121-09, shall be to discuss issues which jointly affect the neighborhood and the petitioner such as parking, traffic, noise, etc., and to attempt to find consensus on ways of mitigating such impacts upon the neighborhood and the petitioner. Failure of the committee to reach consensus on how to mitigate any issue shall not prevent any party from any activity they are lawfully entitled to pursue.

The neighborhood liaison committee shall meet in accordance with the schedule set out in the Community Outreach and Parking Management Plan. The Ward 2 alderman will call the first meeting of the neighborhood liaison committee. The Clerk of the Board of Aldermen/City Clerk shall receive advance notice as to the dates, times and locations of all neighborhood liaison committee meetings. Any amendments to the Community Outreach and Parking Management Plan made through the neighborhood liaison committee process shall be filed with the Clerk of the Board of Aldermen/City Clerk.

6. The petitioner shall provide information at its websites about events and contact information to the congregation and the neighbors to foster good communications and proactive problem solving as detailed in the Community Outreach and Parking Management Plan.
7. The petitioner shall rent the facility for social events only to individuals or groups that are members of the Congregation.

8. Parties and social events held on Sunday through Friday at the synagogue shall conclude by 10:00 p.m. Parties and social events held on Saturdays, Sunday evenings preceding a Monday legal holiday, and the evenings before a Massachusetts legal holiday, shall conclude by midnight.
9. Operable windows shall be closed when amplified music is audible.
10. The petitioner shall make a good faith effort to minimize noise arising from use of the site (e.g. guests shall be asked to refrain from socializing outdoors after evening functions, and members shall be asked to arrive and depart quietly from morning services).
11. The petitioner shall not operate a daycare operation, a day school, or other school facilities on the synagogue premises.
12. The petitioner shall not erect tents on the premises for social events. This condition shall not prevent the petitioner from conducting occasional religious services outside or erecting temporary structures of religious significance outdoors (such as those required for the fall holiday of Sukkot). The petitioner may continue using tents for social events during construction and prior to the granting of a final certificate of occupancy for the new structure.
13. The petitioner has agreed to comply with its commitments set out in Community Outreach and Parking Management Plan, dated June 2009 (the "Plan"), referenced in Finding #3, which Plan is on file with the Clerk of the Board of Aldermen/City Clerk. It is anticipated that the Plan may be amended from time to time by the neighborhood liaison committee established in Condition #9 of this Board Order, provided, however, that the conditions contained in this Board Order shall not be modified by amendment of the Plan, but shall require formal amendment of this Board Order. Where there is a conflict between the conditions of this Board Order and the Plan, the conditions of this Board Order shall prevail.
14. The petitioner shall appoint a traffic/parking coordinator and shall continue to provide frequent reminders to its congregants and their guests to be considerate of the synagogue's neighbors when parking vehicles in the immediate vicinity. In addition to reminding members to obey all applicable traffic laws, the traffic/parking coordinator shall be responsible for encouraging congregants to:
 - a. walk or bike instead of driving whenever possible;
 - b. refrain from parking within five feet of private driveways;
 - c. avoid making U-turns on Morseland Avenue and Ward Street;
 - d. avoid turning around in neighbors' driveways;
 - e. park on one side only of narrow neighborhood streets such as Applegarth Street, Channing Road, and Elmore Road.
15. The traffic/parking coordinator shall communicate with Congregation Beth El and Congregation Sharee Tellifal to determine whether concurrent events are planned so as

to avoid scheduling events, where possible, that would require a police detail pursuant to Condition #20.

16. The petitioner shall make the following arrangements in any instance where it is scheduling a non-religious event to which its congregates and guests can drive:
 - a. Hire a City of Newton police detail to direct traffic when more than 75 people are expected to attend the event;
 - b. Arrange for satellite parking at Boston College Law School campus or other nearby locations, such as, but not limited to, the Mason-Rice School parking lot if available, when 100 or more people are expected to attend the event
17. With the exception of catering trucks, the Congregation shall, whenever possible, restrict deliveries by commercial vehicles to the site to hours between 9:00 a.m. and 5:00 p.m. Regular deliveries to the site shall be scheduled between 9:00 a.m. and 5:00 p.m.
18. Insofar as refrigerated trucks remain necessary, refrigerated catering vehicles shall conform to the City's Noise Ordinance, and shall comply with state laws regarding the idling of motor vehicle engines. When needed, catering trucks shall park on-site.
19. The dumpsters shall not be emptied between 5:00 p.m. and 7:00 a.m. Monday through Friday or any time on Saturdays and Sundays.
20. All snow will be stored on-site or removed to an off-site location if there is not enough space to store snow on-site. No snow will be dumped on sidewalks, streets, or neighborhood properties.