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PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: February 27, 2015
MEETING DATE: March 3, 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
Daniel Sexton, 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 and February 10, 2015, which were held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department memorandum and at the public hearing by the Committee, and to allow the petitioner an opportunity to hold a community meeting. The petitioner submitted supplemental information on February 26, 2015 in response to questions/concerns that were raised. Overall, the Planning Department finds the petitioner's responses complete, and provides the following comments.

Community Meeting Results. A community meeting, facilitated by the Ward Alderman and petitioner, was held on Wednesday, February 25th with residents of the surrounding neighborhood to discuss the proposed synagogue, a draft community outreach and parking management plan, and draft conditions for the board order. According to information provided by the Alderman and petitioner, residents were concerned about the cumulative effects of all the synagogues on the quality of life within the neighborhood. The residents were receptive to the language contained with the draft plan and conditions; however, they did suggest the Committee consider the following issues:

- Parking and traffic congestion conditions, specifically those requiring a police detail and satellite parking facilities;
- Rental or usage of the kitchen facilities in the “Social Hall”;
- Trash and recycling collection and maintaining these facilities in a sanitary condition;
- Tent usage in the rear of the site; and
- Use of the “Social Hall,” specifically the kitchen, by outside entities;

The Planning Department has reviewed the issues raised at the community meeting and developed, where appropriate, edits to existing conditions or new conditions for the draft board order to be considered by the Committee (**ATTACHMENT A**).

Event Occupancy Comparison and Tent Usage. At the request of the Committee, the Planning Department reviewed the operational controls for similar religious institutions in Newton to understand how the attendance threshold requiring a police detail or satellite parking facilities for social events were applied in other instances. Based on the data below, it appears that this type of condition has not been uniformly applied, and when it has been applied the limits were established on a case-by-case basis or depended on site-specific circumstances. The following table illustrates the attendance thresholds for similar religious institutions in Newton:

Religious Institution	Attendance Threshold	
	Police Detail	Satellite Parking Facilities
Synagogue Emanuel (BO #394-95)	250 or More People	No Restriction
Synagogue Shaarei Tefillah (BO #121-09)	75 or More People	100 or More People
Synagogue Chabad * (BO #319-03)	No Restriction	No Restriction
Synagogue Beth El ** (Admin. Site Plan Approval)	No Restriction	No Restriction

* The facility’s total occupancy was limited to 75 persons.

** This institution was in operation prior to the current permitting procedures and has a very large grandfathered parking credit, which has allowed them to expand/operate without a special permit.

After further consideration of the concerns raised by residents and consultation with the Planning Department, the petitioner has agreed to an attendance threshold for a police detail of 75 or more persons and an attendance threshold of 100 or more persons for satellite parking facilities. The petitioner has also agreed to coordinate with the nearby synagogues when police details and satellite parking facilities are necessary for events on the same days. The Planning Department supports these attendance thresholds as they will make this petition consist with other approvals for nearby synagogues.

In terms of tent usage on the site, the petitioner has indicated that the size of tents used during previous events has varied, but that the last tent used was approximately 20 feet by 30 feet. If the use of tents is found to be acceptable, the petitioner has proposed a number of stipulations that

would govern their use, including: limiting the use of tents to three days in any one calendar year, the requirement of a building permit, prohibit the use of music, preclude the use of the social hall (except for food preparation) while a tent is in use, and would require written notice be given to immediate abutters, Ward Alderman, and neighborhood liaison committee (see Condition #10 on the draft board order for full language). Based on the anticipated tent size, the Planning Department is concerned that a tent in the rear of the site may further complicate or reduce the already substandard parking lot. The Planning Department, therefore, recommends that the erection of tents on the premises not be allowed.

Hours of Operation. The petitioner has proposed a uniform end time of 11:00 p.m. for all social events or group activities on the site. This does not preclude the petitioner from holding religious services that may extend beyond the uniform end time. The Planning Department encourages the petitioner to ask all congregants or guests to refrain from socializing outdoors after such events or services.

Conditions. The Planning Department recommends that many of the conditions applied to similar religious institutions in the City be incorporated into the board order for this petition, which staff has done (**ATTACHMENT A**). The Planning Department is also proposing a number of additional safeguards that should address many of the concerns raised during the public hearing, by residents, and site specific conditions and circumstances.

Recommendation

Based on the supplemental information provided by the petitioner and information gathered from the neighborhood meeting, the Planning Department believes that the petition is complete. The Planning Department therefore recommends approval with conditions.

ATTACHMENTS

ATTACHMENT A: Draft Board Order #362-14

ATTACHMENT B: Draft Community Outreach and Parking Management Plan, dated February 27, 2015

CITY OF NEWTON

IN BOARD OF ALDERMEN

March 16, 2015

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to waive 26 parking stalls and associated dimensional requirements for the existing parking lot for an orthodox synagogue, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. Literal compliance with the City's Zoning Ordinance's requirement of 32 parking spaces is impracticable due to the size of the lot. As an Orthodox Jewish synagogue, members of the Congregation and their guests walk to the building for most important religious events such that the actual parking demand is far below that required by the City's Zoning Ordinance. In addition, because members live in the vicinity of the synagogue, many walk to non-Sabbath events as well. For events where congregants and guests may drive, the Community Outreach and Parking Management Plan and the conditions of this board order will establish operational guidelines that will mitigate the impact of additional traffic and parking in the neighborhood. (§30-19(m) and §30-24(d)(2))
2. Literal compliance with the dimensional requirements of the City's Zoning Ordinance for parking facilities is impracticable due to the size of the existing parking lot. The petitioner has been operating at the site since 2005 without any parking related incidents in the nonconforming parking lot. (§30-19(m))
3. The reduction of the lighting level below one foot-candle in the parking lot area provides sufficient illumination for safety and is more in keeping with the residential character of the surrounding neighborhood. (§30-19(m))
4. The petitioner has actively collaborated with a group of neighbors and City officials to develop operational guidelines that optimize the benefits and minimizes negative impacts upon the neighborhood and the congregation, as described in a Community Outreach and Parking Management Plan, dated March 3, 2015. The conditions set out in the Community Outreach and Parking Management Plan, as well as the conditions set forth in this special permit will minimize the amount of noise and activity generated by

the petitioner and its members and will ensure that the petitioner continues to communicate with the neighborhood prior to large events. (§30-24(d)(2))

5. Access to the site over streets is appropriate for the types and number of vehicles involved, as most of the petitioner's members live within the neighborhood and walk to the site, and there is available parking on Commonwealth Avenue for larger events. (§30-24(d)(4))

PETITION NUMBER: #362-14

PETITIONER: Sephardic Congregation of Newton, Inc.

LOCATION: 556 Ward Street, Ward 2, on land known as SBL 13, 32, 2 containing approx. 12,142 sq. ft. of land

OWNER: Edmund I. Shamsi

ADDRESS OF OWNER: 7745 Wood Duck Drive
Boca Raton, Florida 33434

TO BE USED FOR: Synagogue

EXPLANATORY NOTES: §30-19(d)(13) and §30-19(m), to waive 26 parking stalls; §30-19(h)(4)(a) and §30-19(m), to allow a waiver reducing the minimum width for an entrance/exist drive to 14 feet; §30-19(h)(3)(b) and §30-19(m), to allow a waiver reducing the minimum width for a two-way maneuvering aisle to 14 feet; §30-19(h)(2)(d) and §30-19(m), to allow a waiver reducing the minimum parking stall length requirement to 18 feet; §30-19(h)(5)(a) and §30-19(m), to allow parking stalls requiring moving vehicles for access; §30-19(i)(2) and §30-19(m), to waive the requirement for interior landscaping for parking facilities; §30-19(j)(1) and §30-19(m), to waive the lighting requirements for parking facilities; and §30-19(k) and §30-19(m), to waive bicycle parking facility requirements.

ZONING: Single Residence 3

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:

- a. Site Plan, prepared by Peter Nolan and Associates LLC, Signed and Stamped by Peter J. Nolan, Professional Land Surveyor, dated April 15, 2014.
 - b. Landscape Plan, prepared by Peter Nolan and Associates LLC, Signed and Stamped by Peter J. Nolan, Professional Land Surveyor, dated April 15, 2014.
 - c. Architectural plan set, prepared by DLA Architecture, signed and stamped by Donald Lang, Registered Architect, dated May 28, 2014. The plan set consists of the following eleven (11) sheets:
 - i. EX1.0 – Existing Basement Floor Plan;
 - ii. EX1.1 – Existing Ground Floor Plan;
 - iii. EX1.2 – Existing Second Floor Plan;
 - iv. EX1.3 – Existing Attic Floor Plan;
 - v. EX1.3A – Existing Attic Floor Plan – Half Story Analysis;
 - vi. EX2.0 – Front and Rear Elevations;
 - vii. EX2.1 – Side Elevations;
 - viii. A1.0 – Proposed Basement Floor Plan;
 - ix. A1.1 – Proposed Ground Floor Plan;
 - x. A1.2 – Proposed Second Floor Plan; and
 - xi. A1.3 – Proposed Attic Floor Plan.
2. A liaison committee shall be established with representatives from the petitioner, Ward 2 Aldermen, and the neighborhood, as set forth in the Community Outreach and Parking Management Plan (the “Management Plan”), dated March 3, 2015. The purpose of the neighborhood liaison committee, as set out more fully in the Management Plan, 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. 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. It is anticipated that the Management Plan may be amended from time to time by the neighborhood liaison committee, 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 Management Plan, the conditions of this Board Order shall prevail. Any amendments to the Management Plan made through the neighborhood liaison committee process shall be filed with the Clerk of the Board of Aldermen/City Clerk.
3. That the petitioner shall work with the neighborhood liaison committee and residents of the surrounding neighborhood to develop a traffic and parking demand management strategy (“strategy”) for the immediate neighborhood surrounding the temples of Beth El, Shaarei Tefillah, and Beit Sasson, which shall endeavor to identify parking and traffic problems in the neighborhood, and develop implementable solutions that are responsive to the concerns of the temples and abutting residents and address the

current and future needs of the area. The petitioner shall provide a copy of the strategy to the City's Director of Planning and Development and the Transportation Director for review and approval within one year of occupancy. The failure to develop a strategy shall not prevent any party from any activity they are lawfully entitled to pursue.

4. In the event that the ownership of the property shall change to a nonprofit organization they shall then use a private company to collect trash and recycling materials, such collection shall only occur on weekdays between 8:00 a.m. and 5:00 p.m. If a private collection service is used, the petitioner shall not use a dumpster, unless the location and screen of such areas is approved by the neighborhood liaison committee and Director of Planning and Development. The petitioner shall also maintain all trash and recycling receptacles or areas in a sanitary condition at all times.
5. No idling of motor vehicle engines on the property between 6:00 p.m. and 8:00 a.m. Insofar as refrigerated trucks remain necessary with the expanded kitchen facilities, refrigerated catering vehicles shall conform to the City of Newton Noise Ordinance, and shall comply with state laws regarding the idling of motor vehicle engines. When needed, catering trucks shall park on-site
6. In the event that the Commissioner of Inspectional Services determines that the congregation has grown such that the use of either the sanctuary or the social hall exceeds its stated occupancy under the State Building Code, the Commissioner can require Beit Sasson to return to the Board of Alderman to amend the special permit and provide such safeguards to the adjoining neighborhood to mitigate the impact of growth.
7. The petitioner shall not use the sanctuary and social hall simultaneously, but may be used sequentially.
8. The petitioner shall rent the facility for social events only to individuals or groups that are members of the Congregation.
9. The petitioner shall not use the site and social hall for regular types of community center activities, such as weekly or monthly bingo, bridge, etc.; operate or allow others to operate a daycare operation, a day school, or other school facilities; and uses associated with commercial activities, such as SAT preparation and curriculum tutorials, and rental of the kitchen facilities for catering.
10. 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 for religious services or of religious significance (such as those required for the fall holiday of Sukkot).

Or

The petitioner may erect a tent to the rear of the building on non-driving days for up to three separate days in any one calendar year; provided however that each of said three days shall be subject to the following:

- a. Each of the three days shall require a separate building permit; and
- b. At no time shall music, whether amplified or acoustical, be generated as part of the use of the tent; and
- c. The social hall shall not be used as a place of public assembly for members and guests when the tent is in use except as to cooking and staff preparation work for the guests in the tent; and
- d. and the petitioner shall give written notice at least two weeks before the scheduled date of use to the three ward 2 aldermen, the immediate abutters, and the members of the liaison committee; and

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).

11. 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 11:00 p.m. In order to minimize noise arising from the use of the site, the petitioner shall ask congregants or guests to refrain from socializing outdoors after such events.
12. No group activity other than a religious service shall be held at the site after 11:00 p.m. In order to minimize noise arising from the use of the site, the petitioner shall ask congregants or guests to refrain from socializing outdoors after such services.
13. This Board Order does not prevent the City of Newton from its enforcement rights against the petitioner and its congregants with respect to the duly established and uniformly enforced Traffic and Parking Regulations of the City of Newton.
14. All delivery trucks will utilize the parking and loading area in the rear of the synagogue. Regular deliveries to the site shall be scheduled between 8:00 a.m. and 5:00 p.m. with the exception of commercial vehicles needed to complete emergency repairs.
15. The petitioner shall make the following arrangements in any instance where it is scheduling a non-religious event or social event to which its congregants and guests can drive:
 - a. Hire a City of Newton police detail to direct traffic when more than 75 people are expected to be in attendance;
 - b. Arrange for satellite parking at Boston College Law School campus or other nearby location, such as, but not limited to, the Mason-Rice School parking lot, if available, when 100 or more people are expected to be in attendance; and
 - c. Contact Beth El and Shaarei Tefillah to determine with whether the day or event in question is also a day and/or event when Beth El or Shaarei Tefillah (or both) anticipates generating a need for parking spaces in the area, so arrange for the police detail or off-site locations for parking can be coordinated.

16. All plans for alterations of the site shall comply with applicable fire, health, and building codes. There shall be no alterations to the building except for those modifications shown on plans referenced in Condition #1. Further changes to the building shall not be permitted unless the necessary permits or an amendment to this special permit, as may be determined by the Commissioner of Inspectional Services, are obtained from the City of Newton in advance of construction activities.
17. All landscaping and fencing shall be consistent with the landscaping plan referenced in Condition #1, and shall be maintained in good condition and shall be replaced with similar materials as necessary.
18. The petitioner shall maintain the site exclusively for the use by an Orthodox Jewish congregation, and the parking waivers granted by this special permit may be transferred to no entity other than another Orthodox Jewish congregation using the site in accordance with all conditions contained in this special permit.
19. Any exterior lights shall be residential in style and scale; shall be chosen and placed so as to have minimal impact on the neighborhood; and shall be subject to review and approval of the Director of Planning and Development. No illumination from exterior lights shall spill onto adjacent properties or streets,.
20. Any new signage shall require a sign permit with review by the Urban Design Commission and approval by the Director of Planning and Development.
21. 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.
22. Operable windows shall be closed when amplified music is audible.
23. The petitioner shall make a good faith effort to minimize noise arising from use of the site (e.g. congregants and guests shall be asked to refrain from socializing outdoors after functions and services).
24. 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.
25. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed final site plans showing all proposed utilities for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the

- Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
- d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. The Commissioner of Inspectional Services shall have issued in writing waivers under the so-called Dover Amendment (M.G.L. Ch. 40A, §3, Para. 2) for those aspects of the site, buildings and religious use that do not comply with the dimensional provisions of Table 2 of the City of Newton Zoning Ordinances.
26. No Final Inspection/Occupancy Permit for this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. provided to the Director of Planning and Development the name and contact information for the traffic/parking coordinator; means of distributing the Congregation's annual calendar and contact information for events; sample written materials to be made available for inclusion in event invitations advising all event guests of neighborhood parking policies contained in this Board Order and the Plan, including a map with driving and walking directions to and from the satellite parking locations that may be available to congregants and guests; and any other documentation that demonstrates the Congregation's efforts to proactively manage parking and traffic pursuant to the Plan.
 - d. filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, fencing, railing, light fixtures and parking areas.
27. Notwithstanding the provisions of Condition #26d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

CONGREGATION BEIT SASSON
Community Outreach and Parking Management Plan
February 27, 2015

The synagogue known as Congregation Beit Sasson at 556 Ward Street understands that any institutional use has an impact on a residential neighborhood and that the Morseland Road and Ward Street neighborhoods in particular are the home of more than one religious institution. The leadership of Congregation Beit Sasson has formed a working group with several of the neighbors to discuss operational issues. As a result of these meetings and discussions with neighbors over the past two year period as well as input from the three Ward 2 Aldermen, 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 Beit Sasson commits to the following plan.

1. Communication and Coordination

A. A formal liaison committee will be set up comprised of one member from the Congregation Beit Sasson community, three residents of the neighborhood who are not members of Congregation Beit Sasson, and one of the Ward aldermen. The single member from the Congregation reflects the small size of the Congregation; provided however, two alternates from the Congregation will be named so that there would be greater likelihood of attendance and continuity. In addition, Congregation Beit Sasson, with the help of the Ward aldermen, will encourage and invite representatives from the Congregatons Beth El and Shaarei Tefillah (the other two synagogues in the immediate neighborhood) to participate.

B. The liaison committee will meet initially at least once quarterly and more frequently if necessary to discuss issues of importance to the abutters and Congregation such as parking, traffic, noise and parking 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 attempt to find consensus on ways of mitigating such impacts upon the neighborhood and the Synagogue. Failure of the committee to reach consensus on how to mitigate a particular issue shall not prevent any party from any activity they are lawfully entitled to pursue.

C. 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 Beit Sasson has developed and will continue to maintain a calendar of events for posting on its website that lists congregation events and social celebrations. Congregation Beit Sasson has designated and will continue to 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

A. The congregation will continue its efforts to educate its members and their guests concerning parking and walking on neighborhood streets.

B. The congregation shall appoint a traffic/parking coordinator, who will be responsible for reminding their members and guests to be considerate of the synagogue's neighbors when parking vehicles in the immediate vicinity. In addition to reminding members to obey applicable traffic laws, the traffic/parking coordinator shall be responsible for encouraging its members and guests to:

- i. Walk or bike instead of driving whenever possible;
- ii. Refrain from parking within five feet of private driveways;
- iii. Avoid making U-turns on Morseland Avenue;
- iv. Avoid turning around in neighbor's driveways; and
- v. Park on Commonwealth Avenue and the Carriage Road, and avoid if possible parking on narrow neighborhood streets; but if those are the only available spaces then parking on one side.

C. 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 the Synagogue on the Sabbath and on other occasions and when parking to attend Synagogue events when driving is allowed.

D. For a nonreligious event at which more than 75 persons are anticipated and where driving is permitted, Congregation Beit Sasson will arrange for a City of Newton traffic police presence on Ward Street and the intersection with Morseland Avenue to assist with and direct appropriate parking and to alleviate congestion. 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 Beit Sasson 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.

E. For a nonreligious event at which more than 100 persons are anticipated and where driving is permitted, Congregation Beit Sasson shall contact Boston College and other possible locations that might serve as satellite parking on occasion for the synagogue.

F. Contact Beth El and Shaarei Tefillah to determine whether the day or event in question is also a day and/or event when Beth El or Shaarei Tefillah (or both) anticipates generating a need for parking spaces in the area. If so, Congregation Beit Sasson will (subject to Beth El's agreement and/or Shaarei Tefillah's agreement) participate

with the neighboring two synagogues to arrange for the police detail referenced above and coordinate with Beth El and/or Shaarei Tefillah in terms of identifying and contacting possible other offsite locations for parking.

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. Presently trash and recycling pickup is by the City of Newton because the owner of the property is an individual from whom the congregation leases the building and land at 556 Ward Street, and consequently real estate taxes reflecting 100% full fair market value are assessed against the property. If and when the fee ownership of the property is transferred to Beit Sasson or another religious non-profit institution, or if dumpster service is required, then private trash pickup shall be restricted to hours between 8:00 a.m. and 5:00 p.m. and only on weekdays; and the frequency of 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.** Delivery trucks will make deliveries to the synagogue between the hours of 9 a.m. and 6 p.m.
- 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.

B. Synagogue Events and Operations.

- i. The synagogue shall not operate or allow another entity to operate a day school, daycare operation or other regular school on the synagogue premises. Excluded from this condition are adult education classes in various aspects of Judaism and Jewish life, and children's services in the basement while adult services are conducted in the Sanctuary
- ii. While most of the future demand for luncheons after a Bar or Bat Mitzvah will be satisfied through the new Social Hall, nevertheless, there may be an occasional demand for a tent at the rear of the property for a religious event such as a Bar or Bat Mitzvah and related celebratory luncheon. In such a case, the petitioner may erect a tent with approximate dimensions of 20' by 30' to the rear of the building on non-driving days for up to three separate days in any one calendar year; provided however that each of said three days shall be subject to the following:
 - a. Each of the three days shall require a separate building permit; and
 - b. At no time shall music, whether amplified or acoustical, be generated as part of the use of the tent; and

c. The social hall shall not be used as a place of public assembly for members and guests when the tent is in use except as to cooking and staff preparation work for the guests in the tent; and

d. and the petitioner shall give written notice at least two weeks before the scheduled date of use to the three Ward 2 Aldermen, the immediate abutters, and the members of the liaison committee; and

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).

- iii. The congregation will limit rental of its Social Hall **to its members** for parties, including weddings and bar and bat mitzvahs and other social events; provided however, in no event will the Social Hall be rented for (a) uses associated with commercial activities, such as SAT preparation and curriculum tutorials; (b) uses, e.g., bingo, and card games usually associated with community centers; (c) rental of the on-site kitchen and catering facilities to nonmembers for an off-site function or event.
- iv. The hours of operations for social event and religious services shall adhere to the time restrictions outline in the conditions of the approved board order.
- v. All windows to the Social Hall will be kept closed anytime amplified music is played in the Social Hall.
- vi. In the synagogue's periodic emails or other communications to the neighborhood liaison committee, the synagogue will list its schedule for the use of the Social Hall, and, if applicable, for use of a tent.