



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, June 27, 2016

7:00PM – Note Early Start Time
Room 205/Council Chamber

Items Scheduled for Discussion:

- #198-16** **Mayor's appointment of Michael Brangwynne to the Zoning Board of Appeals**
HIS HONOR THE MAYOR appointing Michael Brangwynne, 28 Ash Street, Auburndale, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2017 (60 days 8/5/16) [05/31/16 @ 4:36 PM]
- #230-16** **Mayor's appoint. of Frederick D'Annolfo to Chestnut Hill Historic District Comm.**
HIS HONOR THE MAYOR appointing Frederick D 'Annolfo, 95 Suffolk Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]
- #231-16** **Mayor's appointment of Kennett Burnes to Chestnut Hill Historic District Comm.**
HIS HONOR THE MAYOR appointing Kennett Burnes, 30 Kingsbury Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]
- #232-16** **Mayor's appointment of Susana Lannik to Chestnut Hill Historic District Comm.**
HIS HONOR THE MAYOR appointing Susana Lannik, 25 Essex Road, Chestnut Hill, as an member of the Chestnut Hill Historic District Commission for a term to expire July 15, 2019 (60 days 8/19/16) [06/20/16 @ 4:14 PM]
- #159-16** **Discussion with HRC and Fair Housing Committee relative to discriminatory practices**
COUNCILOR SANGIOLO requesting a discussion with the Human Rights Commission and Fair Housing Committee regarding Fair Housing complaints and efforts to combat discriminatory practices in the City. [04/27/16 @ 1:39 PM]
- #445-14** **Update from Newton Fair Housing Committee on housing opportunities**
ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton. [11/13/14 @ 2:03 PM]

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

A Public Hearing will be held on the following item:

#183-16 Petition to rezone lots on Mechanic Street

TERENCE P. MORRIS petitioning to rezone corresponding pieces of abutting lands in different districts, MULTI RESIDENCE 2 and BUSINESS 2, on land known as Section 51, Block 29, Lots 01 and 04 located at 38 and 44 Mechanic Street in conjunction with a land transfer. [05/05/16 @ 10:36 AM]

A Public Hearing will be held on the following item:

#184-16 Petition to rezone lots on Walnut Street

TERENCE P. MORRIS, petitioning to rezone land known as Section 24, Block 11, Lots 03 and 04, located at 369 and 377 Walnut Street from SINGLE RESIDENCE 2 to MULTI RESIDENCE 1. [05/11/16 @ 3:23 PM]

A Public Hearing will be held on the following item:

#196-16 Petition to rezone lot on Central Street

ROBERT KUTNER, petitioning to rezone land known as Section 43, Block 21, Lot 09 located at Central Street from PUBLIC USE to SINGLE RESIDENCE 3. [05/18/16 @ 9:25 AM]

A Public Hearing will be held on the following item:

#153-16 Petition to rezone 1294 Centre Street from Public Use to Business 1

COUNCILORS BLAZAR, DANBERG AND SCHWARTZ petitioning to rezone land known as Section 61, Block 35, Lot 03 located at 1294 Centre Street from PUBLIC USE to BUSINESS 1 in order to better match the zoning of other commercial parcels in the area. [04/19/16 @ 9:11 PM] (65 days 7/5/15)

A Public Hearing will be continued on the following item:

#278-14(2) Zoning amendment to clarify definition of two-family detached dwelling

COUNCILOR HESS-MAHAN requesting an amendment to clarify the intent of **Chapter 30 Section 1.5.1.B** definition of Two-Family Detached Dwelling. [03/31/16 @ 11:00 AM]

A Public Hearing will be held on the following item with the Zoning & Planning Committee only; the Planning & Development Board is not required:

#182-16 Citizens petition to prohibit zones changes without surrounding owner's approval

FRED ARNSTEIN ET AL., submitting a petition, pursuant to Article 10, Section 2 of the Newton City Charter, to establish a moratorium to prohibit the change of the zoning district applicable to any land in Newton without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed zoning district. [04/28/16 @ 10:34 AM] (90 day 8/14/16)

- #80-13** **Updates on the zoning reform project**
THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

Items Not Scheduled for Discussion at this meeting:

- #61-10** **Discussion relative to bringing existing accessory apartment into compliance**
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.
- #164-09(2)** **Request for amendments to dimensional requirements for accessory apartments**
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.
- #64-13** **Permitting for conversion of historic barns/carriage houses to accessory apts**
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.
- #108-15** **Zoning amendment for accessory apartments supportive of seniors**
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]
- #220-16** **Discussion relative to regulating Airbnb-type companies**
COUNCILORS FULLER, HESS-MAHAN, LAPPIN, COTE AND NORTON requesting a discussion with the Planning, Inspectional Services and Fire Departments regarding appropriate regulations, permits, licensing and/or taxes for residential owners who host short-term guests through house-sharing companies such as Airbnb.[06/06/16 @ 2:19 PM]
- #170-15** **Discussion of HUD settlement relative to creating 9-12 affordable units**
ALD. HESS-MAHAN, JOHNSON, CROSSLEY AND ALBRIGHT requesting a discussion relative to the HUD Settlement with Supporters of Engine 6, the Fair Housing Center of Greater Boston and the Disability Law Center in conjunction with the Law and

Planning Departments, to explain the settlement and possible implications for the Zoning Board of Appeals and the Board of Aldermen in terms of the City's obligation to identify sites and facilitate the creation of, and issue permits for, affordable housing for 9-12 chronically homeless persons in Newton. [07/06/15 @ 4:18 PM]

- #122-16** **Discussion with ISD re procedures to protect abutters during demo projects**
COUNCILORS NORTON AND AUCHINCLOSS requesting discussion with the Inspectional Services Department relative to the City's procedures to protect abutters during demolition projects and whether Newton is requiring developers to take sufficient steps. [03/25/16 @ 12:07 PM]
- #110-15** **Discussion of the Smart Growth Zoning Overlay District Act in Newton**
HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton.
[04/24/15 @ 2:38 PM]
- #54-16** **Zoning ordinance amendment relative to Health Club use**
ACTING DIRECTOR OF PLANNING proposing amendments to the Newton Zoning Ordinance to allow the "Health Club" use in Business 1, Business 2 and Business 4 districts; and to clarify the definition of "Personal Service" as it relates to health and fitness uses. [02/09/16 @ 4:24 PM]
ITEM SPLIT INTO PART A AND PART B:
PART A – To allow Health Club use in BU1, BU2 and BU4;
PART B – To clarify the definition of Personal Services as it relates to health and fitness issues.
Approved Part A 6-0
Held Part B 6-0
- #109-15** **Zoning amendment for inclusionary housing provisions from 15% to 20%**
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households. [04/24/15 @ 2:38 PM]
- #323-14** **Zoning amendment to require front-facing front doors in residential zones**
ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend **Chapter 30** to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42 AM]

- #265-14 Request to increase several time periods for demolition delays**
ALD. BLAZAR, YATES AND DANBERG requesting:
1. to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days;
 2. to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a historically significant building or structure is preferably preserved to 60 days;
 3. to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months;
 1. and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months. [7/07/14 @ 12:35 PM]
- #447-14 Proposing an ordinance to require building plans with demolition applications**
ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03 PM]
- #169-15 Zoning amendment to require new lot standards after demolition**
ALD. SANGIOLO requesting a zoning amendment which would require any residential structures in Single Residence or Multi Residence zoning districts built after the demolition of an existing structure conform to new lot standards. [07/02/15 @ 3:20 PM]
- #264-13 Zoning amendment to develop residential districts for small lots**
ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances **Chapter 30** to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/15/13 @ 12:28 PM]
- #34-16 Zoning amendment for large house review process**
COUNCILORS SANGIOLO, KALIS AND DANBERG proposing an amendment to Chapter 30 for a large house review ordinance requiring design review and approval of by-right single and multi-residence residential structures exceeding certain dimensional limits. [01/19/16 @ 2:35 PM]
- #142-09(7) Resolution to reconvene Floor Area Ratio working group**
ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the

definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City’s Comprehensive Plan.

#238-14 Request for development of Housing Production Plan

ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55 AM]

#22-15 Zoning amendment to allow rental voucher program re: inclusionary zoning

ALD. YATES requesting that utilization of the Massachusetts Rental Voucher Program be added as an allowable means of complying with the inclusionary zoning provision in Phase II of Zoning Reform. [01/05/15 @ 9:53 PM]

Referred to Zoning & Planning, Land Use and Finance Committees

Qualification of affordable units on Comm Ave, Pearl and Eddy Streets

#104-15 ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department with the following information: How many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify to be included on the State’s Subsidized Housing Inventory List. If a property is not currently on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]

#107-15 Discussion of middle income housing supportive of City employees

HIS HONOR THE MAYOR requesting discussion of approaches to create middle income housing as a means of allowing City of Newton employees the opportunity to live in the community in which they work. [04/24/15 @ 2:38 PM]

#81-13 Request for naturally affordable compact housing opportunities

DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]

#86-15 Discussion and review of CDBG fund expenditures and citywide goals

ALD. CROSSLEY, ALBRIGHT, HESS-MAHAN, & JOHNSON requesting a review and discussion of Community Development Block Grant expenditures and past years’

accounting to assess progress in meeting citywide program goals as adopted in the consolidated plan, including creating and sustaining affordable housing, as well as facilities improvements in approved neighborhood districts. [03/30/15 @ 6:02 PM]

- #427-13** **Discussion of CDBG, HOME and ESG funds and fair housing**
ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]
- #308-12** **Discussion of policies relative to CDBG fund expenditures**
ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]
- Referred to Zoning & Planning and Finance Committees**
- #315-14** **Ordinance amendment for procurement requirements for non-profits**
ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them.
[08/04/14 @ 5:08 PM] Finance voted NAN
- #446-14** **Discussion with Commission on Disability regarding the City's ADA compliance**
ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03 PM]
- #140-14** **Zoning amendment for lodging house ordinance**
ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.
[04/04/14 @ 6:29 PM]

- #429-13 Zoning amendment for Congregate Living Facility parking requirements**
ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances **Section 30-1**, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning “Congregate Living Facility”, as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #35-16 Creation of policy to require posting of materials of boards/commissions**
COUNCILOR SANGIOLO requesting a discussion with the Planning Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and posting of same to the City’s website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member. [01/19/16 @ 2:35 PM]
- #129-13 Zoning amendment for special permits for attached dwellings**
ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for “attached dwellings” in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #65-13 Zoning amendment to require special permit for major topographic changes**
ALD. YATES, FISCHMAN, KALIS requesting that **Chapter 30** be amended to require a special permit for major topographic changes.]
- #139-14 Zoning amendment to clarify rules for retaining walls**
ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls.
- #391-09 Zoning amendment to allow payments-in-lieu of parking spaces: special permits**
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. [09/09/09 @ 3:53 PM]
- #152-10 Zoning amendment to clarify parking requirements for colleges and universities**
ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.
- #153-11 Zoning amendment for Retail Overlay Districts around village centers**
ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that **Chapter 30** be amended by adding a new **Sec. 30-14** creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented

streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.

#168-15 **Discussion of Metropolitan Area Planning Council's Wells Avenue Market Study**
THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study.
[07/06/15 @ 5:34 PM]

#95-15 **Discussion to consider mix of uses at Wells Avenue Office Park**
ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment. [04/13/15 @ 2:46 PM]

Referred to Finance and Appropriate Committees

#288-15 **Submittal by the Mayor of the FY17 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]

Referred to Zoning & Planning, Land Use and Finance Committees

#273-12 **Request to restructure and increase of fees for various permits**
ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]
Finance and Land Use voted NAN

Referred to Finance and Appropriate Committees

#257-12 **Review of fees in Chapter 17 and Chapter 20**
RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates. Finance voted NAN

#195-15(3) Request to acquire land at 300 Hammond Pond Parkway

ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES

requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land.

[10/23/15 @ 2:55 PM]

#404-13 Request for rezoning in Newton Centre

NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:

Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A.

Respectfully Submitted,

Ted Hess-Mahan, Chair



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#198-16

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

May 27, 2016

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk

2016 MAY 31 PM 4:36

David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Michael E. Brangwynne of 28 Ash Street, Newton as an associate member of the Zoning Board of Appeals. His term of office shall expire on June 30, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Michael E. Brangwynne

28 Ash Street, Newton, MA 02466

EDUCATION**Suffolk University Law School**

Boston, MA

Juris Doctor Cum Laude, May 2011

GPA: 3.59

Class Rank: Top 10%

Honors: Transnational Law Review, Staff Member

Dean's List (all years)

Jurisprudence Award, Evidence

Honorable Mention, Best Brief Competition

Trustee Academic Scholarship

Activities: Suffolk National Trial Team, Member

Tulane University

New Orleans, LA

Bachelor of Science, Finance, May 2006**LEGAL EXPERIENCE****DiNicola, Seligson & Upton, LLP**

Boston, MA

Associate Attorney

March 2013 - Present

- Perform legal research and draft pleadings, motions, oppositions, and briefs in complex civil litigation in state and federal trial and appellate courts, including lawsuits arising in the commercial, construction and medical malpractice contexts.
- Independently handle all aspects of prosecuting and defending civil lawsuits from client intake through pleadings, discovery, motion practice, settlement negotiations and resolution; serve as second chair on trials in state and federal court.
- Represent clients seeking zoning, permitting and licensing approval in municipalities throughout the Greater Boston area.

Neylon & O'Brien, P.A.

Boston, MA

Associate Attorney

August 2011 - March 2013

- Conducted legal research on a wide range of topics including commercial disputes, complex tort liability, securities regulation violations, workers' compensation, and probate and family matters.
- Drafted pleadings, motions and oppositions for submission to the court in civil actions.
- Drafted and responded to discovery requests; assisted with taking and defending depositions; participated in trial strategy and client counseling meetings; and represented clients at judicial proceedings and settlement negotiations.

City of Boston Zoning Board of Appeals

Boston, MA

Law Clerk

February 2010 – July 2012

- Attended bi-weekly Zoning Board hearings and made notations for the Board concerning their decisions.
- Prepared drafts of the Board's decisions regarding applications for relief from the Zoning Code, including variances, conditional use permits, extensions of non-conforming uses, and zoning code interpretations.
- Corresponded and worked with attorneys representing clients seeking relief from the zoning code in order to prepare acceptable draft decisions for submission to the city's legal department.

Massachusetts Superior Court

Boston, MA

Judicial Intern to the Honorable Christopher Muse

May 2009 - August 2009

- Researched legal issues before the court and wrote bench memoranda on several topics, including a claim for promissory estoppel, the validity of an indemnity contract provision, and the application of zoning by-laws.
- Discussed legal issues that were before the court with the presiding Justice and drafted memoranda of decisions and orders; observed civil courtroom proceedings, including motion hearings and trials.

BAR ADMISSIONS, ASSOCIATION MEMBERSHIPS, OTHER LICENSES

Member in Good Standing, Massachusetts Bar and U. S. District Court for the District of Massachusetts

Member, Boston Bar Association and Massachusetts Bar Association

Licensed Notary Public



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#230-16

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Frederick D'Annolfo of 95 Suffolk Road, Newton as a member of the Chestnut Hill Historic District Commission. His term of office shall expire on July 15, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

RECEIVED
Newton City Council

2016 JUN 20 PM 4: 14

David A. Olson, Clerk
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#104

**COMPLETE**

Collector: New Link (Web Link)
Started: Friday, April 01, 2016 5:28:38 PM
Last Modified: Friday, April 01, 2016 6:03:14 PM
Time Spent: 00:34:35
IP Address: 73.69.17.104

PAGE 1: Application for City of Newton Boards and Commissions

Q1: Your contact information

First Name	Frederick (go by middle name of Mark)
Last Name	D'Annolfo
Street Address	95 Suffolk Road
Village	Chestnut Hill
Zip code	02467
E-mail	
Telephone Number	

Q2: How did you learn of the opening on this Board, Commission or Advisory Committee?

Other (please specify)
 John Wyman and Lisle Baker recruited me

Q3: Several Committees and Commissions currently have openings to which the Mayor can appoint. On which Committee or Commission are you interested in serving? Please select from the list below.

Chestnut Hill Historic District Commission

PAGE 2: Tell us about yourself

Q4: Have you ever served on a Newton Commission or Committee in the past?

No

PAGE 3: Past Committee Appointments

Q5: Which Committee/s or Commission/s did you serve on?

Respondent skipped this question

Q6: Dates of Service

Respondent skipped this question

PAGE 4: Letter of Interest

Q7: Please tell us a little about yourself and why you are interested in serving on this committee.

I grew up in the construction business, ran my own residential construction company, worked in investment banking for close to 20 years and am now on the faculty at Babson College. My wife and I have lived in Chestnut Hill for close to 25 years.

When Lisle Baker asked me to consider serving on the Historic Commission, I viewed it as a way to give back to the community I have lived in for many years and as a good fit given my background. Since my wife and I went before the commission a dozen or so years ago when we added a garage, I was familiar with the commission and process.

Q8: If you have an updated resume, please paste a copy of the text here.

Babson College Faculty Bio:

F. Mark D'Annolfo
Managing Director, Stephen D. Cutler Center for Investments and Finance
Adjunct Finance Faculty

Education:

B.A., Boston College
M.B.A., Boston University

Academic Division: Finance

Mark D'Annolfo has over 20 year of investment and operating experience, having worked on 30-plus transactions valued at over \$4 billion, and held senior management positions in both start-ups and Global 500 firms. He is currently the Managing Director of the Stephen D. Cutler Center for Investments and Finance and teaches a graduate-level investments course at Babson College.

From January of 2002 through the present, Mark has been an Adjunct Professor, consultant/board member, and private investor. He served on the Board of Directors of Braun Consulting (until its acquisition by Fair Isaac) where he participated in a four-month internal strategy review of the business. Mark served on the Board of Advisors of The Pentad Group, and was co-chairman of the venture-funded EquaTerra Advisory Board. He was also an Adjunct Professor of Finance at Boston College, teaching a graduate course on equity analysis, and has taught equity portfolio management at Babson College. He co-authored a Harvard Business School valuation and strategy case on the signing of Dice-K Matsuzaka by the Boston Red Sox (Harvard Publishing, 2007).

From August of 1999 through October of 2001, Mark was a Managing Director and Head of the U.S. and Asia (India) information technology services research group at Deutsche Bank Securities. He covered and banked such companies as Accenture, Computer Sciences Corporation and Affiliated Computer Services. His responsibilities included hiring the research team, research and analysis of the companies and sectors, and interacting with the institutional sales force and firm's asset management clients. He also worked with the venture capital community and Deutsche Bank's investment banking clients on business strategy, M&A and capital raising (IPO, secondary, private placement) transactions. Prior to joining Deutsche Bank Securities, Mark was employed for over 13 years at Adams Harkness (now Canaccord Genuity), an investment banking firm focusing on emerging growth companies. Mark held the position of Managing Director and Head of the IT services research team. Mark also served on the firm's Operating Committee, which ran the day-to-day operations of the firm, the Board of Directors and the Audit committee. He contributed to growing the firm over five fold during his tenure.

In 1999, 2000 and 2001, Mark was top ranked by The Wall Street Journal in its All-Star Analysts Survey for his stock picking and earnings accuracy acumen. He has been widely quoted in major publications such as The New York Times, The Wall Street Journal, Investor's Business Daily, Inc Magazine, Money Magazine, and The Boston Globe, and has appeared on numerous panels, including several by the MCLE (Mass Bar) at their Business & Securities Law Conference.

Prior to joining Adams Harkness, Mark worked in commercial banking for a year. Prior to that, he was the owner and executive officer of a residential construction company.

Mark graduated magna cum laude with a B.A. degree from Boston College, and holds an M.B.A. from Boston University. He co-authored an article on Collateralized Mortgage Obligations, which appeared in Real Estate Review (NYU), and as a chapter in Edwin H. Duett's Advanced Instruments in the Secondary Mortgage Market text. Mark is a member of the CFA Institute and of the Boston Security Analysts Society.

Q9: If the openings have been filled on your first choice of Committee, would you be willing to serve on another Committee?

No

PAGE 7: SurveyMonkey Audience

Q10: Gender

Respondent skipped this question

Q11: Age

Respondent skipped this question

Q12: Household Income

Respondent skipped this question

Q13: Education

Respondent skipped this question

Q14: Location (Census Region)

Respondent skipped this question



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#231-16

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

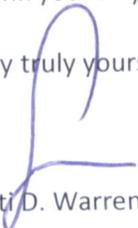
Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Kennett Burnes of 30 Kingsbury Road, Newton as a member of the Chestnut Hill Historic District Commission. His term of office shall expire on July 15, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren

Mayor

RECEIVED
Newton City Hall
2016 JUN 20 PM 4:14
DAVID A. OLSEN, CHC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Kennett F Burnes

Personal Information:

Residence – 30 Kingsbury Road, Chestnut Hill, Mass 02467

E-mail Address -

Marital Status – married, 4 children and 13 grandchildren

Education:

Harvard College, class of 1965

Harvard Law School, class of 1968

Employment History:

Choate, Hall and Stewart, (law firm) partner – 1968 – 1987

Cabot Corporation – 1987-2008 – served as Chairman of the
Board and CEO for the last 7 years of that period

Currently retired

Current Board Affiliations:

Lead Director – State Street Corporation

Trustee , Epiphany School

Trustee and Chairman of the Board, Schepens Eye Research
Insitute

Chairman of the Board of the New England Conservatory of
Music.

Trustee, Word Than Words



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#232-16

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Susana Lannik of 25 Essex Road, Newton as a member of the Chestnut Hill Historic District Commission. Her term of office shall expire on July 15, 2019 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

RECEIVED
Newton City Office
2016 JUN 20 PM 4: 14
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#108

**COMPLETE**

Collector: New Link (Web Link)
Started: Monday, April 11, 2016 2:21:43 PM
Last Modified: Monday, April 11, 2016 2:53:04 PM
Time Spent: 00:31:20
IP Address: 71.174.91.68

PAGE 1: Application for City of Newton Boards and Commissions

Q1: Your contact information

First Name	Susana
Last Name	Lannik
Street Address	25 Essex Road
Village	Chestnut Hill
Zip code	02467
E-mail	
Telephone Number	

Q2: How did you learn of the opening on this Board, Commission or Advisory Committee?

Word of mouth,
Other (please specify)
Barbara Kurze and Chestnut Hill Ass'n.

Q3: Several Committees and Commissions currently have openings to which the Mayor can appoint. On which Committee or Commission are you interested in serving? Please select from the list below.

Chestnut Hill Historic District Commission

PAGE 2: Tell us about yourself

Q4: Have you ever served on a Newton Commission or Committee in the past?

No

PAGE 3: Past Committee Appointments

Q5: Which Committee/s or Commission/s did you serve on?

Respondent skipped this question

Q6: Dates of Service

Respondent skipped this question

PAGE 4: Letter of Interest

Q7: Please tell us a little about yourself and why you are interested in serving on this committee.

I have now lived in Newton for over 14 years. This is my first exploration of possible participation on a Commission for the City of Newton. When I moved here from Brookline, I had already participated on their Conservation Commission and Zoning Board of Appeals, and enjoyed both, along with dual service on the Mashpee Conservation Commission. I was also a town meeting member in Brookline which was an incredible experience. I loved working on the commissions, but my life took a slightly different turn when I moved here. I had always had heavy caregiving duties with my parents, and following my move to Newton, I needed to concentrate on them and on my work as a Mother, and an Estate Planning and Elder Law Attorney. It is always my personal policy to only participate on any board or Commission if I can give it due attention. I couldn't then; I can now. I have been thinking about this for a while, always missing the give and take experience I had before. Although I initially thought I might choose to apply for a commission related to my elder law work, but I decided to apply for the Chestnut Hill Historic District Commission after attending one of their meetings. I grew up in an antique house in New York that was torn down deleting a history that was integral to the town I grew up in forever. When I saw what this Commission was doing, I thought I could participate in a group that would encourage the preservation of a precious heritage in these old homes. My home is old too, and the balance between modernization and keeping a home's history alive is a real challenge! I loved, in particular, the careful adherence by this board to attempting to apply the rules in a legal, way with careful thought, and without a knee-jerk reaction to the proposals before it. I recently spoke with the Chair, John Wyman, about the obligations and duties, and feel prepared to take the time I might need to be of assistance to the Commission and Newton as a whole.

Q8: If you have an updated resume, please paste a copy of the text here.

I will have to forward an up dated resume under separate cover.

PAGE 5: Other Interests

Q9: If the openings have been filled on your first choice of Committee, would you be willing to serve on another Committee? Yes

PAGE 7: SurveyMonkey Audience

Q10: Gender	<i>Respondent skipped this question</i>
Q11: Age	<i>Respondent skipped this question</i>
Q12: Household Income	<i>Respondent skipped this question</i>
Q13: Education	<i>Respondent skipped this question</i>
Q14: Location (Census Region)	<i>Respondent skipped this question</i>

Board / Commission / Advisory Committee Application Form

3. Letter of Interest

1. Please tell us a little about yourself and why you are interested in serving on this committee.

I have now lived in Newton for over 14 years. This is my first exploration of possible participation on a Commission for the City of Newton. When I moved here from Brookline, I had already participated on their Conservation Commission and Zoning Board of Appeals, and enjoyed both, along with dual service on the Mashpee Conservation Commission. I was also a town meeting member in Brookline which was an incredible experience. I loved working on the commissions, but my life took a slightly different turn when I moved here. I had always had heavy caregiving duties with my parents, and following my move to Newton, I needed to concentrate on them and on my work as a Mother, and an Estate Planning and Elder Law Attorney. It is always my personal policy to only participate on any board or Commission if I can give it due attention. I couldn't then; I can now. I have been thinking about this for a while, always missing the give and take experience I had before. Although I initially thought I might choose to apply for a commission related to my elder law work, but I decided to apply for the Chestnut Hill Historic District Commission after attending one of their meetings. I grew up in an antique house in New York that was torn down deleting a history that was integral to the town I grew up in forever. When I saw what this Commission was doing, I thought I could participate in a group that would encourage the preservation of a precious heritage in these old homes. My home is old too, and the balance between modernization and keeping a home's history alive is a real challenge! I loved, in particular, the careful adherence by this board to attempting to apply the rules in a legal, way with careful thought, and without a knee-jerk reaction to the proposals before it. I recently spoke with the Chair, John Wyman, about the obligations and duties, and feel prepared to take the time I might need to be of assistance to the Commission and Newton as a whole.

*** 2. If you have an updated resume, please paste a copy of the text here.**

I will have to forward an up dated resume under separate cover.

Susana Lannik

1320 Centre Street, Suite 204 • Newton, MA 02459

Professional Summary

The position I am applying for with this resume is to serve on the Chestnut Hill Historic Commission Newton, Massachusetts. The skills and experience I bring to this position include a very broad legal knowledge in some areas that may relate to the work of the commission. This includes knowledge of environmental law. I am familiar with the construct of regulatory schemes as a result of that knowledge and of my work with the Executive Office of Health and Human Services on behalf of my clients. I also have knowledge of architecture due to my background in art history. I have a passion for old buildings, and a belief in the need to preserve them if at all feasible. At the same time, as a homeowner, I am aware of the need to balance practical needs of a homeowner to have a home that functions well for them in this day and age with preservation. I have lived in Chestnut Hill for fourteen years now, and have had the opportunity to briefly serve as an author for the short-lived Chestnut Hill Magazine.

Experience

- | | | |
|---|-----------------------|--------------------------|
| Lannik Law, LLC | Attorney/Owner | 01/2006 - Present |
| As the firm's sole practitioner, I manage all aspects of the firm. At Lannik Law, we specialize exclusively in Estate Planning, Estate Tax considerations, Medicaid (long-term care) and Asset Protection, Probate of estates and Disability Law. We interpret laws, rulings and regulations for individuals in all of these areas, and create strategy letters for long-term care clients; or we create Memoranda for clients and other attorneys in our subjects. As part of our planning we draft documents including, but not limited to, Wills, Trusts, Durable Powers of Attorney, Health Care Proxies, Advance Directives and HIPAA releases. We apprise clients of potential risks and costs associated with each course of action. | | |
| Mendel & Associates | Attorney | 01/2004 – 01/2006 |
| Interpreted laws, rulings and regulations for individuals in the Medicaid, Probate and Disability Law Areas; Drafted strategy letters for long-term care clients; Drafted documents including, but not limited to, Wills, Trusts, Durable Powers of Attorney, Health Care Proxies, Advance Directives and HIPAA releases; Represented firm in Probate Court proceedings; Wrote memoranda related to client situations; Apprised clients of potential risks and costs associated with each course of action. | | |
| Law Offices of Susana Lannik/Arber, Lannik & Badaloto, LLP | Attorney/Owner | 07/1982 – 01/2004 |
| Counsel to clients in areas of estate planning, asset preservation, Medicare, Medicaid issues and Advocacy; Prepare Wills, Trusts, Durable Powers of Attorney, Health Care Proxies, Advance Directives and HIPAA releases; Handle Probate and Guardianship cases; Served as GAL; Rogers Counsel, Monitor and Special Master in Norfolk, Middlesex and Suffolk Probate Courts. | | |

Education

- | | | |
|--|-----------------------|-------------|
| Suffolk University Law School | JD: Law | 1982 |
| Boston University Graduate School | MA/Art History | 1971 |
| New York University | BA/Art History | 1969 |



Susana Lannik

Accomplishments

Author for Chestnut Hill Magazine

Published Book: Blooper Episodes in Estate Planning and Elder Law

Newly inducted into the National League of American Pen Women, Inc.

Served as Brookline Town Meeting Member, Precinct 13

Brookline Zoning Board of Appeals and Conservation Commission

Mashpee Conservation Commission

Finance Committee, Congressman Joseph Kennedy and State Auditor Joe DeNucci

Affiliations

National Academy of Elder Law Attorneys,
Member, Former Board Member and Former Chair
Programs

Massachusetts Bar Association

Newton-Needham Chamber of Commerce

Mashpee Chamber of Commerce

National League of American Pen Women, Inc.

Boston Ballet Overseers

University of North Carolina School of the Arts,
Board of Visitors

Hadassah

Publications

Blooper Episodes in Estate Planning and Elder Law

Chestnut Hill Magazine

Monthly Newsletters for Clients and Other Professionals

CITY COUNCIL

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING to be voted to be assigned to Committee(s) that evening.

To: Karyn Dean, Clerk, City Council ZAP Committee

Date: May 5, 2016

From (Docketer): Terrence P. Morris, Esq.

Address/phone/email: 57 Elm Road Newton, MA ▪ 617 202-9132 ▪ tpmorris.landuse.law@comcast.net

Additional sponsors:

RECEIVED
Newton City Clerk
2016 MAY -5 AM 10:36
David A. Olson, City Clerk
Newton, MA 02459

1. **Please docket the following item (edit if necessary):** Proposed zoning map amendment to rezone corresponding pieces of abutting lands in different districts (MR2/BU2) in conjunction with a land transfer
2. **The purpose and intended outcome of this item is:** to remedy an encroachment issue.
3. **I recommend that this item be assigned to the following committees:** Zoning & Planning
4. **This item should be taken up in committee:** As soon as possible since it is a minor housekeeping item.
5. **I estimate that consideration of this item will require approximately:** Less than one hour
6. **The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):**

City Personnel

Citizens (include telephone numbers/email please)

Jane Santosuosso, Chief ZCO _____

Steve Dai, 770 365-8843 - daiweiren@gmail.com

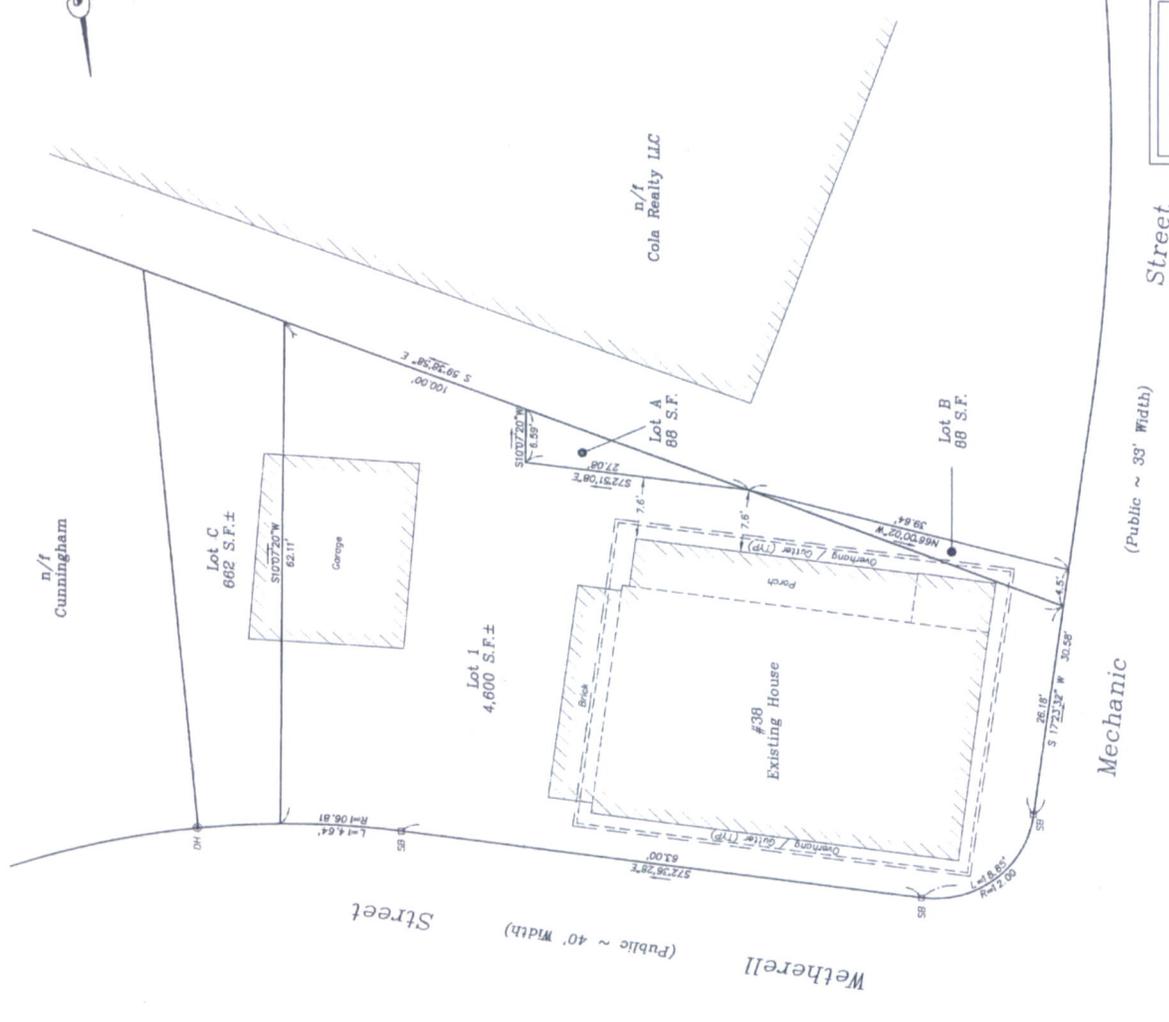
7. **The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling the item for discussion:** excerpt from the City of Newton Zoning Map (copy attached).

8. **I have provided additional materials and/or undertaken the following research independently prior to scheduling the item for discussion:** Proposed Subdivision (ANR) Plan of Land for the subject properties (38 & 44 Mechanic Street) prepared by Verne T. Porter Jr., PLS dated April 14, 2016.
9. **I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.**
10. **I would like the Clerk's office to confirm that this item has been docketed. My daytime phone number is:** 617 202-9132.
11. **I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.**

Thank you.

Terrence P. Morris

Terrence P. Morris, Esq.



I Certify that this plan has been prepared in accordance with the Rules and Regulations of the Registers of Deeds of the Commonwealth of Massachusetts

Approval under the Subdivision Control Law not required

CLERK - NEWTON PLANNING BOARD
ACTING AS A BOARD OF SURVEY

The above endorsement is not a determination as to conformance with Zoning Regulations

Owners:

Weirong Dai
38 Mechanic Street Newton, MA 02464

Deed Reference: Book 57712 Page 33
Plan Reference: Recorded in Middlesex South Registry of Deeds Plan Book 93 Plan #30 (B of 2) and Plan #700 of 2011

Cola Realty Trust LLC
44 Mechanic Street Newton, MA 02464

Deed Reference: Book 60879 Page 1
Plan Reference: Recorded in Middlesex South Registry of Deeds Plan #879 of 1979

Subdivision Plan of Land

38 Mechanic Street
Newton, Massachusetts

Scale: 1" = 10' April 14, 2016

VERNE T. PORTER JR., PLS

Land Surveyors - Civil Engineers

354 Elliot Street Newton, Massachusetts 02464

Project: 11060

Checked By: V. Porter Jr.

Drawn By: D. Millon



Sheet 1 of 1

5/5/2016

City of Newton

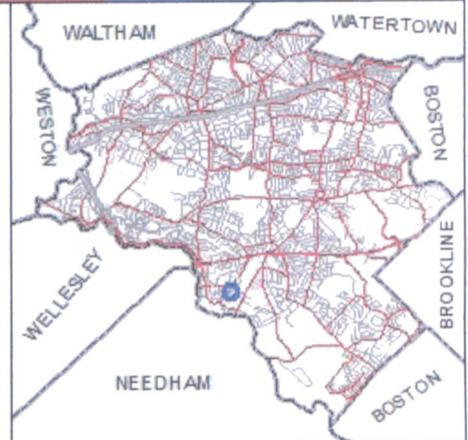


Property ID: 51029 0004
Address: 38 MECHANIC ST
Owner: DAI WEIRENG



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Assessors' Office to confirm boundaries uses at the time of assessment.



Final Label Report

#183-16

SBL	Owner	Number	Street	Unit
51032 0011	QUINN OWEN ROBERT & KATHLEEN J		CHENEY CT	
51032 0007	WALSH JOHN M & SHION T	7	CHENEY CT	
51032 0013	WAUGH GEORGIA L	8	CHENEY CT	
51032 0012	QUINN OWEN ROBERT & KATHLEEN J	14	CHENEY CT	
51032 0009	LIU FANGJUN	15	CHENEY CT	
51032 0010	EVANS NOEL G & SUZANNE A KAYTIS	18	CHENEY CT	
51033 0004	CHOOIJIAN MARGARET & HAROLD		CHENEY ST	
51032 0006B	FROYMAN VLADIMIR & MARINA	3	CHENEY ST	
51032 0006BMAI	3-5 CHENEY ST MASTER DEED	3-5	CHENEY ST	
51032 0006BA	LUO XIANG L	5	CHENEY ST	
51033 0002	CHOOIJIAN MARGARET & HAROLD	18	CHENEY ST	
51032 0015A	COLASACCO DORA TR	19-21	CHENEY ST	
51032 0005	GERACI RICHARD P	216-218	ELLIOT ST	
51032 0004	JOHNSON DYLAN	224-226	ELLIOT ST	
51032 0004A	CHAN LING HEI	224-226	ELLIOT ST	
51032 0015	SHI XIANGLIN	36	LINDEN ST	
51032 0015B	COLASACCO DORA TR	38-40	LINDEN ST	
51033 0001	LIU SHIH-LONG	48	LINDEN ST	
51034 0002	FINLEY JOHN H III	70	LINDEN ST	
51031 0004	WESALOWSKI PHILIP A		MECHANIC ST	
51032 0005A	GERACI RICHARD P	15-17	MECHANIC ST	
51032 0006	XU-LEE MANRU	21	MECHANIC ST	1
51031 0003	BARBATO GENNARO	22-24	MECHANIC ST	
51032 0006AA	RUDENKO MICHAEL	23	MECHANIC ST	2
51031 0002	DONATO FRANK A & CARLENE E	26-28	MECHANIC ST	
51032 0006A	STRANG ROGER	27	MECHANIC ST	1
51032 0006AMA	27-29 MECHANIC ST MASTER DEED	27-29	MECHANIC ST	
51032 0006AB	YU ROBERT	29	MECHANIC ST	2
51031 0001	GARRAMONE JOSEPH W	32-34	MECHANIC ST	
51029 0004	DAI WEIRENG	38	MECHANIC ST	
51029 0001	COLA REALTY LLC	44	MECHANIC ST	
51033 0005	COLASACCO TR	45-47	MECHANIC ST	
51033 0006	NESCO REALTY LLC	51-53	MECHANIC ST	
51034 0003	FINLEY JOHN H III	69	MECHANIC ST	
51033 0008	HU PING HUA & HSIU CHEN	79	OSSIPEE RD	
51033 0009	ZHOU YU	87-89	OSSIPEE RD	87
51033 0009A	ZHANG SHUN & JINGYI T/C	87-89	OSSIPEE RD	89
51028 0008D	TOWER ROAD INC	45	TOWER RD	
51028 0005	NORTHLAND TOWER ROAD	55	TOWER RD	
51029 0013	32 WETHERELL ST LLC		WETHERELL ST	
51031 0014	TRAINI ROSEMARY		WETHERELL ST	
51031 0018	LEONE RITA		WETHERELL ST	
51031 0013	TRAINI ROSEMARY	29	WETHERELL ST	
51031 0015	MULCAHEY CRAIG D	31	WETHERELL ST	
51029 0012	ASHCHIAN ROSE & KARLO TRS T/C	38	WETHERELL ST	

RECEIVED
Newton City C
2016 JUN -9 AM 10:05
226-1
224-B
David A. Olson, Clerk
Newton, MA 02459
mailed on
K.O.

SBL	Owner	Number	Street	Unit
51031 0016	FENG JIANWEN	43-45	WETHERELL ST	
51029 0009	MALKASIAN MARTIN MANUEL	46	WETHERELL ST	
51029 0007	MELNICK PATRICIA A	50-52	WETHERELL ST	
51031 0019	LEONE RITA	55-57	WETHERELL ST	
51029 0005	CUNNINGHAM KENNETH E TR	58	WETHERELL ST	

CITY COUNCIL
CITY OF NEWTON
DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING to be voted to be assigned to Committee(s) that evening.

To: Karyn Dean, Clerk, City Council ZAP Committee

Date: May 10, 2016

From (Docketer): Terrence P. Morris, Esq.

Address/phone/email: 57 Elm Road Newton, MA ▪ 617 202-9132 ▪ tpmorris.landuse.law@comcast.net

Additional sponsors:

RECEIVED
Newton City Clerk
2016 MAY 11 PM 3:23
David A. Olson, JMC
Newton, MA 02459

1. **Please docket the following item (edit if necessary):** Proposed zoning map amendment to rezone two lots (369 & 377 Walnut Street) from the SR2 to MR1 District.
2. **The purpose and intended outcome of this item is:** to achieve conformity with abutting lots on Walnut Street zoned for multi-family use.
3. **I recommend that this item be assigned to the following committee:** Zoning & Planning
4. **This item should be taken up in committee:** As soon as possible.
5. **I estimate that consideration of this item will require approximately:** Approximately 30-45 minutes.
6. **The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):**

City Personnel

Citizens (include telephone numbers/email please)

James Freas, Acting Director _____

Larry Mintzer, 617 558-1100 - larrymintzer@gmail.com

7. **The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling the item for discussion:** excerpt from the City of Newton Zoning Map (copy attached).

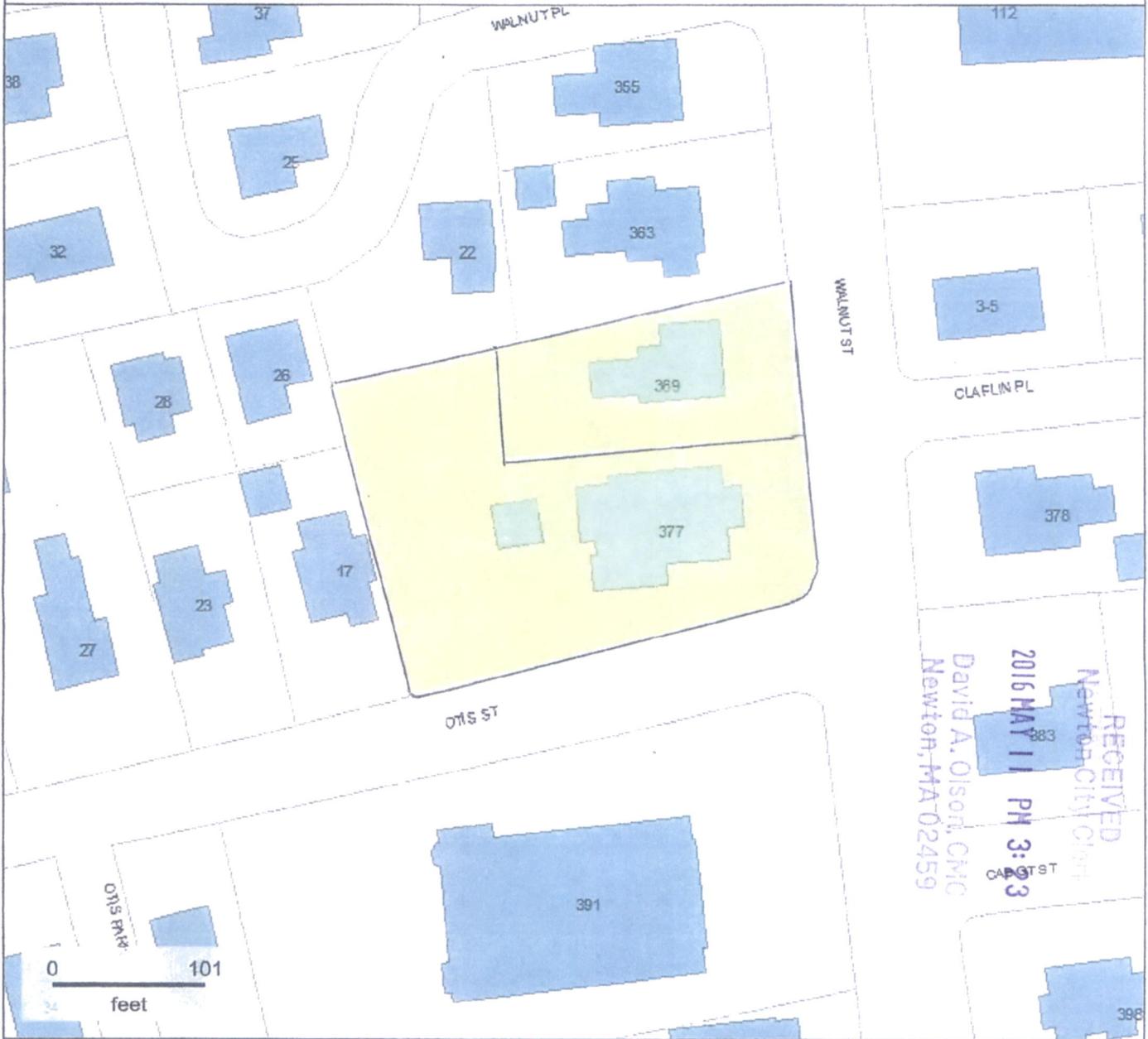
8. **I have provided additional materials and/or undertaken the following research independently prior to scheduling the item for discussion:** Immediate area zoning map taken from the city's database.
9. **I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.**
10. **I would like the Clerk's office to confirm that this item has been docketed. My daytime phone number is: 617 202-9132.**
11. **I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.**

Thank you.

Terrence P. Morris

Terrence P. Morris, Esq.

City of Newton



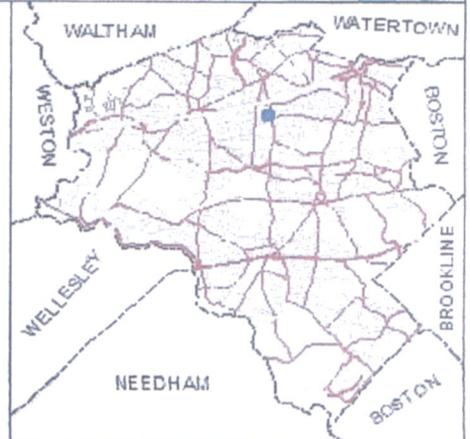
RECEIVED
 Newton City Clerk
 2016 MAY 11 PM 3:23
 David A. Olson, CMC
 Newton, MA 02459

Property ID: 24011 0004
Address: 377 WALNUT ST
Owner: MINTZER LAWRENCE & CATHARINE M



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Assessors' Office to confirm boundaries uses at the time of assessment.



City of Newton

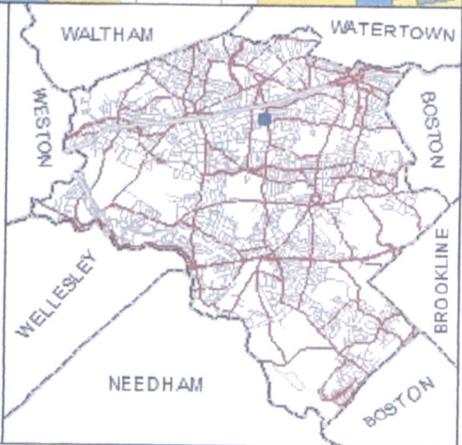


Property ID: 24011 0004
Address: 377 WALNUT ST
Owner: MINTZER LAWRENCE & CATHARINE M



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Assessors' Office to confirm boundaries uses at the time of assessment.



Final Label Report

#184-16

SBL	Owner	Number	Street	Unit
24011 0009	NOVEMBER PETER	3	BRIAR LN	
24011 0010	STONE TIMOTHY D	5	BRIAR LN	
24011 0011	ARNSTEIN FREDRICK & GEIB PAMELA	7	BRIAR LN	
22017 0008	SHEPHERD ORR D & ELIZABETH A	365	CABOT ST	
22017 0009	MILLER ARNIE	369	CABOT ST	
22017 0010	DANZIGER ANDRES & ALLISON J	375	CABOT ST	
22017 0011	SU HAU & SUZANNE CHAN	383	CABOT ST	
22017 0019AMAI	3-5 CLAFLIN PL MASTER DEED	3-5	CLAFLIN PL	
22017 0019A	SAGAN PAUL & SUZANNE	3	CLAFLIN PL	
22017 0019B	SAGAN REGINA	5	CLAFLIN PL	
22017 0018	STOLZENTHALER VIRGINIA C	9-11	CLAFLIN PL	
22017 0018A	KANG DONG WOO	9-11	CLAFLIN PL	
22017 0018B	REISLER SUSAN	9-11	CLAFLIN PL	
22017 0013	FLESSAS GREGORY	14	CLAFLIN PL	
22017 0017	LIEN SAN LANG & KANG MIN SIEH TRS	15-17	CLAFLIN PL	
22017 0014	KANG FRANCES TR	18	CLAFLIN PL	
22017 0016	HEARN KATHRYN	21	CLAFLIN PL	
22017 0015	GANDBHIR SHARAD S TR	22	CLAFLIN PL	
24011 0037	ZHANG WILLIAM & LINDA L/E	30	HIGHLAND AVE	1
24011 0037A	LI CARL S T	30	HIGHLAND AVE	2
24011 0036	TAI ASAHI HSU YANG	34	HIGHLAND AVE	
24011 0005	LEVIN BRUCE & DONNA J	17	OTIS ST	
24011 0006	STEIN VICTORIA E	23	OTIS ST	
24011 0007	GANDER FREDERICK W JR	27	OTIS ST	
24017 0001	EPSTEIN IRVING R & ELLEN B	28	OTIS ST	
24017 0018	BERKELEY DAVID E	34	OTIS ST	
24011 0008	ROSENSWEIG RICHARD J	35	OTIS ST	
24017 0005	BEINEKE PHYLLIS YOOD TR	11	RUSSELL CT	
24011 0042	YOUNG INVESTMENTS LLC	22	WALNUT PL NVL	
24010 0004	SERAFIN ANNE M	25	WALNUT PL NVL	
24011 0041	TODD NEIL BOWMAN & JOYCE B	26	WALNUT PL NVL	
24011 0040	SHULOCK VALERIE	28	WALNUT PL NVL	
24011 0039	SANCHEZ LUIS T	32	WALNUT PL NVL	
24010 0003	WILSON ADRIENNE S	37	WALNUT PL NVL	
24011 0038	TABATABAIE MARY E	38	WALNUT PL NVL	
24010 0002	GERMANI UMBERTO & GIOSINA	47	WALNUT PL NVL	
22006 0021	STAVROPOULOS MICHAEL & VASILIKI	336	WALNUT ST	1
22006 0021A	SPIROS & POTA LLC	338	WALNUT ST	2
22006 0021B	SPRIOS & POTA LLC	340-342	WALNUT ST	3
22006 0021C	STAVROPOULOS MICHAEL & VASILIKI	344-348	WALNUT ST	4
24011 0001	JYAT CONSTRUCTION LLC	355	WALNUT ST	
24011 0002	JAFFE WILLIAM H & VICTORIA J	363	WALNUT ST	
24011 0003	LUCAS PETER V TR	369	WALNUT ST	
24011 0004	MINTZER LAWRENCE & CATHARINE M	377	WALNUT ST	
22017 0012	ULLMAN EDWARD A & SONAL M T/C	378	WALNUT ST	

RECEIVED
Newton City Clerk
2016 JUN -8 PM 12:05
David A. Olson, CMC
Newton, MA 02459

Mailed on ↑
K.P.

SBL	Owner	Number	Street	Unit
24017 0003F	SULLIVAN HILDEGARD	391	WALNUT ST	7
24017 0003	WOLF DELIA	391	WALNUT ST	1
24017 0003A	ALLEN MAY M	391	WALNUT ST	2
24017 0003B	SNYDER BRENDON L	391	WALNUT ST	3
24017 0003C	COPPOLA MARK D	391	WALNUT ST	4
24017 0003E	FIX TODD T	391	WALNUT ST	6
24017 0003G	MILMOE J GREGORY & LAURA H	391	WALNUT ST	8
24017 0003H	BAR-SHESHET TZION	391	WALNUT ST	9
24017 0003J	RUBINGER BRUCE	391	WALNUT ST	10
24017 0003K	KHALSA JAI SINGH TRUSTEE	391	WALNUT ST	11
24017 0003D	COPPOLA MARK D TR	391	WALNUT ST	5
22018 0013Z	F C D EDUCATIONAL SERVICES INC	398	WALNUT ST	
22018 0013	F C D EDUCATIONAL SERVICES INC	398	WALNUT ST	
24017 0004	FRANKLIN PETER & KATHLEEN TRS	403	WALNUT ST	
22017 0020	FAHEY BETSY & DANIEL TRS	86	WASHINGTON PK	086
22017 0020A	DEKEL RONY & SIGALIT	88	WASHINGTON PK	088
22017 0020B	EDELSON MARILYN	90	WASHINGTON PK	090
22017 0020C	LANE NANCY E	92	WASHINGTON PK	092
22017 0020D	COHEN MICHAEL L	94	WASHINGTON PK	094
22017 0020E	FABRICANT FREDERIC & BARBARA	96	WASHINGTON PK	096
22017 0020F	98 WASHINGTON PARK LLC	98	WASHINGTON PK	098
22017 0020G	TIERNEY MATTHEW S	100	WASHINGTON PK	100
22017 0020H	COOKE JACQUELINE	102	WASHINGTON PK	102
22017 0020J	FOSTER JAMES J	104	WASHINGTON PK	104
22017 0020K	TALBOT JOAN	106	WASHINGTON PK	106
22017 0020L	WURZEL JAMIE & SUSAN	108	WASHINGTON PK	108
22017 0020M	EPSTEIN ALAN	110	WASHINGTON PK	110-1
22017 0020V	SHETTY CHANDRASHEKAR S	110	WASHINGTON PK	110-9
22017 0020U	PAPPAS MICHAEL J & OLTIANA M	110	WASHINGTON PK	110-8
22017 0020T	GERMANI MARC	110	WASHINGTON PK	110-7
22017 0020S	GREENWOLD BEVERLY F TR	110	WASHINGTON PK	110-6
22017 0020R	MAHONEY STEVEN P	110	WASHINGTON PK	110-5
22017 0020Q	CONROY CHRIS & BONNIE	110	WASHINGTON PK	110-4
22017 0020N	KNUDSEN KAY TR	110	WASHINGTON PK	110-2
22017 0020P	CARRERA JULIO C TR	110	WASHINGTON PK	110-3
22017 0020X	AVERS JANE G	112	WASHINGTON PK	112-2
22017 0020Y	BROWN PAUL S & E LISA TRS	112	WASHINGTON PK	112-3
22017 0020Z	SULLOWAY MARA J	112	WASHINGTON PK	112-4
22017 0020W	ROSSINOW LAURA TR	112	WASHINGTON PK	112-1
22006 0022	WASHINGTON PARK NOMINEE TRUST	115	WASHINGTON PK	

BOARD OF ALDERMEN

196.16

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL BOARD MEETING.

To: Clerk of the Board of Aldermen

Date: 5/18/16

From (Docketer): ROBERT KUTNER

Address: 25 HANCOCK STREET, AUBURNDALE MA 02466

Pho 

Additional sponsors: _____

1. Please docket the following item (it will be edited for length if necessary):

Change of Zone for SBL 43-21-09 from Public Use to Single Residence 3

2. The purpose and intended outcome of this item is:

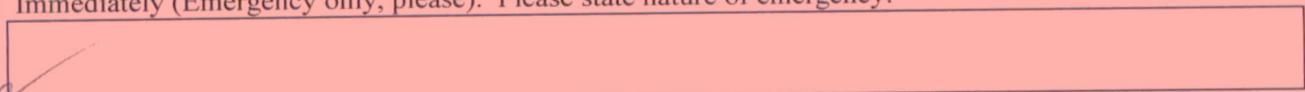
- | | |
|---|---|
| <input type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input type="checkbox"/> Appropriation, transfer, | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Expenditure, or bond authorization | <input type="checkbox"/> License or renewal |
| <input type="checkbox"/> Special permit, site plan approval, | <input type="checkbox"/> Appointment confirmation |
| <input checked="" type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____ |

RECEIVED
Newton City Pl
2016 MAY 18 AM 9:25
David A. Olson, City
Newton, MA 02459

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|--|--|
| <input type="checkbox"/> Programs & Services | <input type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input checked="" type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.



Signature of person docketing the item

[Please retain a copy for your own records]

CENTRAL ST



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information for its intended purpose. Each user is responsible for determining the validity for its intended purpose. Users will not approve applications based on this data. City staff correct errors as

Legend

- Land Use: Open Space
- River Prudential Access
- Wetland's with 100 foot buffer zone
- State Road
- City of Newton Park
- Utility Lines
- Centennial Bicentennial
- Open Space

Property Location:
25 HANCOCK ST

Property ID:
43021 0010

Land Use: Lot Size:
104 15727 Sq. Ft.

MAP DATE: May 16, 2016

1 inch = Approximately 40 Feet

Central St - SBL 43021 0009
 5,532 sf
 140 ft frontage

Building Permit Information

JANE SANTOSUOSSO
Chief Zoning Code Official



CITY OF NEWTON
Planning & Development Department
1000 Commonwealth Avenue
Newton, MA 02459-1449
Direct Phone (617) 796.1128
Office Phone (617) 796.1120
Fax (617) 796-1142
jsantosuosso@newtonma.gov

SBL: 43021 0010
Address: 25 HANCOCK ST
Zoning (Preliminary): Single Residence 3
Year Built: 1896
Area (Assessed): 15727 Square Feet
Frontage (Assessor): 98 Feet
Historic Status: Auburndale Historic District
Historic Significance: Historic Resource Survey
Inspection District: 3
Building Inspector: Bill Case - BILL
Plumbing/Gas Inspector: John Tirella
Electrical Inspector: Billy McDonald - BMD
Construction Inspector: Gabriel Federico
Map Sheet: 38 SE

Final Label Report

#196-16

SBL	Owner	Number	Street	Unit
43019 0002	SOMMER LEONARD J	8	CENTRAL CLOSE	
43019 0001	LUCKETT ANDREINA & JEFFREY P	10	CENTRAL CLOSE	
43017 0001	BARRETT JOHN & LINDA J	15	CENTRAL CLOSE	
43017 0002	CHEUNG BRIAN KIN & SOPHIE YU	17	CENTRAL CLOSE	
43017 0003	FORESTA LAURA	19	CENTRAL CLOSE	
43021 0005	B & B TRUST		CENTRAL ST	
43021 0009	KUTNER ROBERT S		CENTRAL ST	
43019 0003	SOMMER LEONARD J		CENTRAL ST	
43021 0004	SULLIVAN BARBARA TR B & B TRUST	230	CENTRAL ST	
43021 0004A	NEWTON HOUSING AUTHORITY	234	CENTRAL ST	
43019 0007	FATTMANN KELLY L	11	CENTRAL TER	
43019 0008	WEEMS WILLIAM DEREK	21	CENTRAL TER	
43017 0015	KOGAN ANN G	6	GRAYDALE CIR	
43017 0014	PARSIGIAN KENNETH J	12	GRAYDALE CIR	
43017 0020	ALBERT ERIC RICHMOND	14	HANCOCK ST	
43017 0019	GRINGORTEN SHELDON P	24	HANCOCK ST	
43021 0010	KUTNER ROBERT S	25	HANCOCK ST	
43017 0018	LINSENMAYER CATHERINE & THOMAS TRS	28	HANCOCK ST	
43017 0017	CURRAN KATHLEEN F TR	30	HANCOCK ST	
43017 0016	COWEN JEANINE M	32	HANCOCK ST	
43021 0011	LUNDQUIST HENRY W & ANASTASIA K	33	HANCOCK ST	
43021 0012	BONSHTein NOAM & ORLY	37	HANCOCK ST	
43021 0013	RANELLI PAUL D & CHRISTINE L	41	HANCOCK ST	
43021 0014	BLANKS CAROLYN R & ROBERT	47	HANCOCK ST	

RECEIVED
 Newton City of
 2016 JUN -9 AM 10:13
 David A. Olson, CHD
 Newton, MA 02459

mailed m ↑
K.P.

Final Label Report

#153-16

SBL	Owner	Number	Street	Unit
61036 0002	LEVY GEORGE M	796	BEACON ST	
61036 0001	BANK OF AMERICA	808	BEACON ST	
61037 0013	CURRY CHRISTOPHER D	50	BRAELAND AVE	
65019 0007	MCGEACHIE MICHAEL	74	BRAELAND AVE	
64028 0001	CENTRE REALTY LLC	1261-1269	CENTRE ST	
61035 0005	ZUSSMAN DAVID T TR	1280	CENTRE ST	
61035 0002	1296 CENTRE ST ASSOCIATES LTD PTNSP	1296-1298	CENTRE ST	
62009 0015	FIRST BAPTIST CHURCH IN NEWTON	1299	CENTRE ST	
62009 0016	FIRST BAPTIST CHURCH	1301	CENTRE ST	
62012 0002	LUTHERAN CHURCH OF THE NEWTONS	1310	CENTRE ST	
62012 0001A	B & E CENTER STREET LLC	1314	CENTRE ST	
62009 0004	ROMAN CATH ARCHD OF BOSTON CORP	1317	CENTRE ST	
62012 0005	HACKEL ALLAN R TR	1330-1340	CENTRE ST	
62012 0001	MONTROSE INC TR	15	CYPRESS ST	
65019 0006	LUPRIORE LEONARD J TR	40	CYPRESS ST	
61035 0008	MASS BAY TRANS AUTHORITY		HERRICK RD	
61035 0006	ROTHMAN GEORGE & STUART J TRS	17-31	HERRICK RD	
61035 0007	ROTHMAN GEORGE & STUART J TRS	39	HERRICK RD	
61037 0012A	WANG MEI-LI	52	HERRICK RD	2
61037 0012	WANG MEI LI	52	HERRICK RD	1
65019 0008	LOGALBO MARY M	55	HERRICK RD	
65019 0009	63 HERRICK RD NEWTON LLC	63	HERRICK RD	
65019 0009A	BACHOFER DAVID M	65	HERRICK RD	
62013 0001	MASS BAY TRANS AUTHORITY		PAUL ST OFF	
62009 0003	ROMAN CATH ARCHD OF BOSTON CORP		RIPLEY TER	
61036 0011	MASS BAY TRANS AUTHORITY		UNION ST	
61036 0009	ZUSSMAN DAVID T TR	93-105	UNION ST	

RECEIVED
Newton City Office
2016 JUN -9 AM 10:13
David A. Olson, CMC
Newton, MA 02459

mailed on ↑
k.p.

EXCERPT FROM MAY 23, 2106 ZONING & PLANNING COMMITTEE REPORT

#278-14(2) Zoning amendment to clarify definition of two-family detached dwelling
COUNCILOR HESS-MAHAN requesting an amendment to clarify the intent of
Chapter 30 Section 1.5.1.B definition of Two-Family Detached Dwelling.
 [03/31/16 @ 11:00 AM]

Action: Public Hearing Continued; Held 8-0

Note: Vice Chair, Councilor Danberg opened the public hearing. Mr. Freas addressed the Committee. The proposed item adds an additional word to the definition of two-family detached dwelling and also adds illustrations. The additional word would clarify that where two units are placed side-by-side and share a wall, the wall should extend the entire *maximum* height of one or both of the units. See attached.

The word maximum is added because there were some projects that came into Inspectional Services that were interpreted as meeting the definition that was approved in November, 2015, but in fact did not meet the intent. This amendment is meant to clarify the intent that the two units meet at the highest point of connection, and not by garages, for example. Councilor Hess-Mahan explained that the new definition in November intended to define a two-family as a traditional two-family that is either divided vertically or horizontally. One of the points of this was to avoid the “linguine” house.

Public Comment

Mark Sangiolo, West Harwich said he is an architect and noted that not every project is that straightforward. With a hip roof, how much of the horizontal dimension has to be attached. Can he attach something just connected by 6 feet and go the whole height? It still ambiguous and he had to re-design a project already and this may cause his to re-design it again. Mr. Freas asked if he was looking to attach two units together by 6 feet of shared wall. Mr. Sangiolo said he could go 6 feet in a horizontal direction and that would suffice? He felt this is tying architects’ hands because it may cause them to design something that is bigger in order to satisfy this. Sometimes it is better to break the mass between two buildings so the connection is more delicate. Mr. Freas said that scenario he is describing is something the Council is attempting to move away from. Mr. Sangiolo asked if it was alright to attach something by two feet as long as he goes the full height. Mr. Freas said the illustrations are not binding, but the text is.

Mr. Sangiolo asked if the definition could be amended by adding “**AND/or** is divided horizontally”. Sometimes, especially when working with an existing building, he might try to gain some space over another unit and has no bearing on the outside look. He would like to see the Historical Commission having more power and leeway.

Laurance Lee noted that the Historical Commission has a tug and pull with zoning. On Mr. Sangiolo’s project, he was trying to work with Historical Commission to save much of the design and historic nature of this carriage house, however, it did not comply with the zoning

regulations. Historic liked the design very much, but they could not build it. The carriage house had to be relocated on site and the attachment was a single story, so two buildings were shared by a lower building but did not meet the code. It looked great though and the result was not as attractive, but it was still a nice project.

Mike Vahey, 33 Stanley Road said he owns rental properties and does some development in Newton as well. He felt his tax dollars should be going towards the public good and for safety reasons. He feels the Committee is determining aesthetics and someone on the block didn't like how a house looked so they're changing the zoning code to fix it. Dimensional standards are set and now they are setting aesthetics and has nothing to do with safety. In the 1800s all houses had wraparound porches so should all houses now have those? Traditional houses built a 100 years ago were built for a different demographic and a different time. There were no garages and very few cars and saying homes have to be built that way still should not be their purview. He didn't understand. If all other dimensional requirements are met, he didn't feel the layout should be something that is dictated. Every house will end up looking the same and this is overreach.

Ronald Mauri, 35 Bradford Road said he what builders are missing is that what they are building affects people and aesthetics do matter. People buy a house and pick out a neighborhood and think they know what they're getting into and then someone comes along and builds something very different and very big. This is a lot of people who care and are affected by one person building something. It is important to listen to what the community wants. Zoning protects a whole neighborhood and how much Newton changes matters to people who buy houses and live here.

Wade Schiffman, 130 Beethoven Ave said most builders and developers live here and care about the City. He thinks the Council is making decisions without a lot of input from those builders. The reason more houses being built with hip and flat rooms is because of the changes to FAR and result in bigger footprints. The builders are being taxed. He also sells and develops real estate in Newton and there are only a couple of people who don't like how certain things look and there is an appetite for what is being built. They are being put through the wringer.

Sean Leary, 24 Floral Street, felt the illustration showed a very large lot and he wondered if the rule was eliminating putting the garage within the body of the house. Not a snout house, but incorporating into the structure. Mr. Freas said that was not being eliminated.

Philip Herr, 20 Marlboro Street, said the house that has been most recently built in Newton Corner that most pleases him is a two-family structure which has two units adjoined by two garages which this definition is meaning to prevent. This is a great site for a lot of other reasons. The City is about to make a huge investment of funds and energy on form-based zoning and this is an example of that. Why shouldn't this wait and become part of that process instead of singling it out now.

Committee Comments/Questions

A Councilor was concerned that Inspectional Services misinterpreted the current definition because Commissioner Lojek had been involved in the discussions and was in agreement on the definition. A number of developers came in and ISD allowed a different interpretation. Mr. Freas said he has shared this amended definition with the Commissioner and he agreed this was very clear. The Commissioner did not allow the building permits, instead a building inspector, who is now working in a different municipality, approved them. That inspector thought it was the entire height of the adjoining section and approved the plan of two houses connected by two garages with some living space over them. It was designed to come in under the FAR and if it had been designed as this definition intended, it would have been a smaller building.

It was pointed out that what is still allowed by special permit is an attached dwelling which is defined as not a two-family. This would allow a lot of variations on the traditional attached dwellings, but in terms of a two-family, this definition is trying to keep those buildings more traditional. They do not want to see two houses attached by garages and called a two-family.

Councilor Hess-Mahan said he is very much supportive of multi-family housing in the City. He is not trying to discourage multi-family housing. The point here is massing and other issues and FAR is not an effective tool for how to build a building. The issue is that time and time again projects have involved a very deliberate attempt on multi-family lots to build two houses strung together by garages. That is not a two-family house. It is more massive and presents a blank wall to a lot of the abutters and is not pleasant, but more importantly, it is within the Council's purview to look at density, the streetscape and how a building might fit into the context of the existing neighborhood. Zoning Reform is starting very soon and it will be context and form-based zoning. This will look at the built environment and look at what they would like to see and that will be expressed in a Pattern Book. He said he understands today's needs may differ from the past and there is always the option of a special permit to build other types of multi-residence buildings. This is about light, air and massing and neighbors do not want to have buildings looming over them. This is not about whether something is "ugly" or not. It is about finding the proper form for what is a two-family house. People found ways to get around the "common wall connector" and "common roof connector" clauses and that is why this definition was amended in November.

He also was fine with adding "and" to the definition as suggested by Mr. Sangiolo so as to allow for a Philadelphia-style two-family. The Committee was also in agreement.

Councilor Sangiolo agreed that there should be some more cooperation with the Historical Commission. There have been examples of buildings that have ended up not looking the way they would like buildings to look. Also, zoning reform and form based zoning is coming but it is going to take a while to get that completed. In the meantime, they are just clarifying the definition they agreed to last term.

Planning & Development Board

The Planning & Development Board was unable to open their public meeting as they did not have a quorum present. They will work on scheduling a public hearing at the earliest possible time.

Councilor Danberg continued the public hearing. Councilor Hess-Mahan moved hold and the Committee voted unanimously in favor.

other authorizations or by easements, covenants or agreements, the provisions of this Chapter shall prevail.

(Ord. No. S-260, 08/03/87)

1.1.4 Validity

Nothing in this Chapter shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures, or land, and for each class or kind of use in each district.

Ord. No. S-260, 08/03/87

1.1.2. Effect of Invalidity

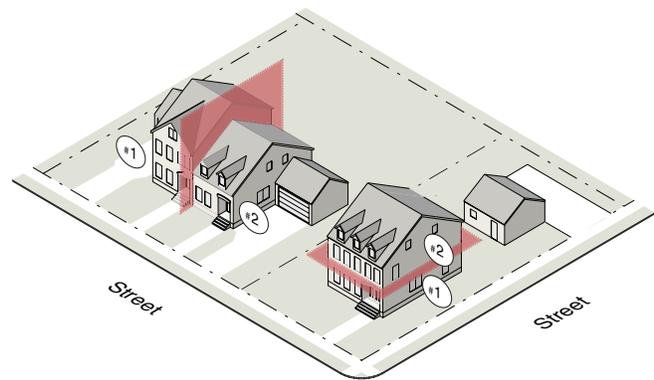
If it is determined by a court of competent jurisdiction that any provision of this Chapter is invalid as applying to any particular land, building or structure by reason of such land, building or structure having been placed in an excessively restrictive district, such land, building or structure shall thereby be zoned in the next least restrictive district created by this Chapter.

(Rev. Ords. 1973 §24-33)

Sec. 1.1. Rules of Measurement

1.1.1. Building Types

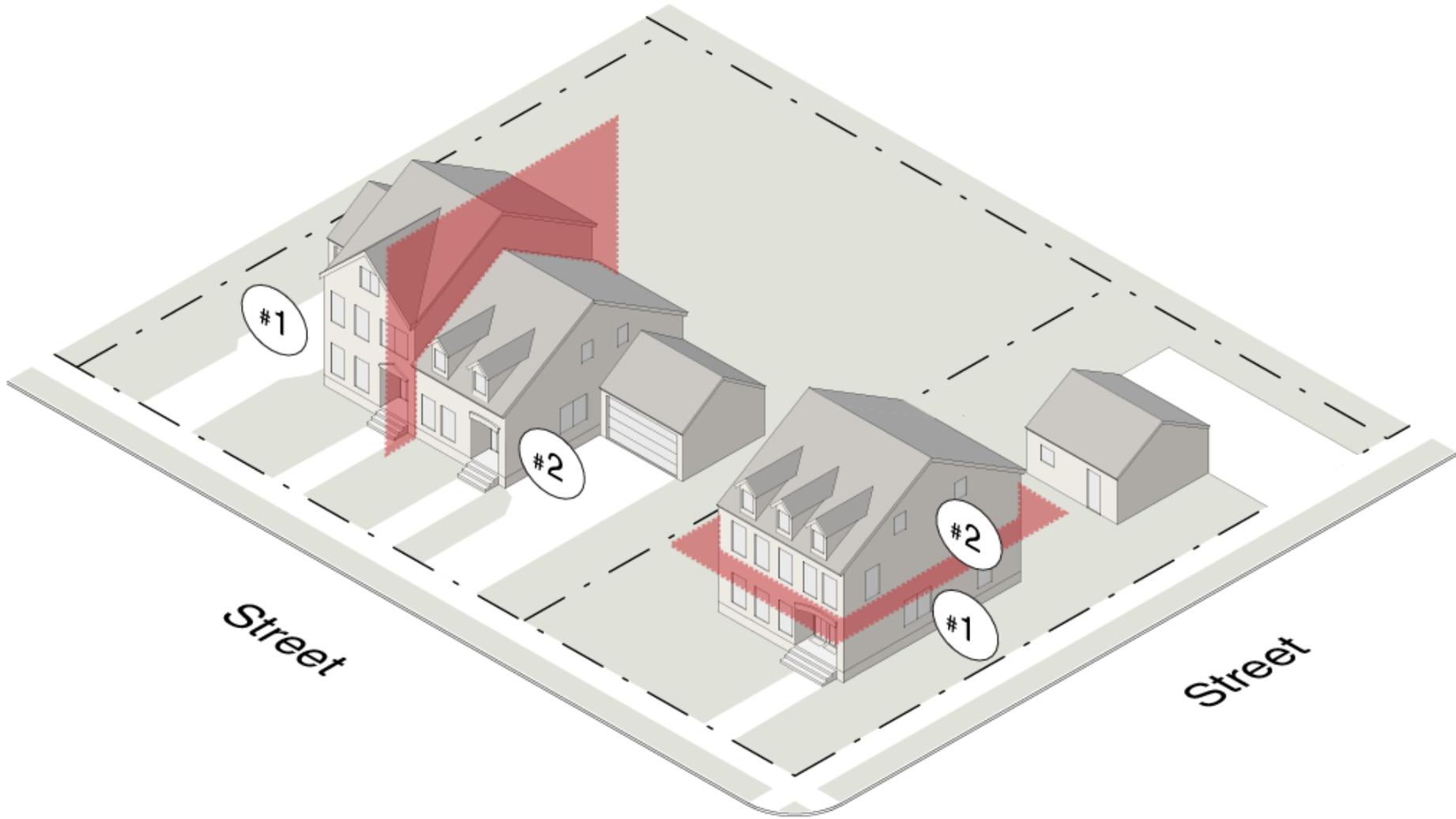
- A. **Single-Family, Detached.** A building or structure that contains only one dwelling unit.
- B. **Two-Family, Detached.** A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, or is divided horizontally so that one dwelling unit is above another.



- C. **Single-Family, Attached.** A building or structure that either:
 1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
 2. Contains 2 dwelling units and is not a two-family detached dwelling.
- D. **Multi-Family.** A building or structure containing 3 or more dwelling units.
- E. **Dwelling Unit.** One or more rooms forming a habitable unit for 1 family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

(Ord. No. X-38, 12/02/02)

#278-14(2)



PETITION TO THE NEWTON CITY COUNCIL UNDER ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ 1. <i>Fred Arnstein</i>	FREDRICK ARNSTEIN	7 Briar Lane Newtonville 02460	2/3
✓ 2. <i>Gail E. Gordon</i>	Gail E. Gordon	32 Walnut Place Newtonville	2/3
✓ 3. <i>Luis Sanchez</i>	LUIS T. SANCHEZ	32 WALNUT PL. NEWTONVILLE	2/3
✓ 4. <i>Pamela Geib</i>	Pamela Geib	7 Briar Lane Newtonville 02460	2/3
✓ 5. <i>David Wenstrom</i>	David Wenstrom	345 Crafts St. Newtonville 02460	2/1
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Clerk
 2016 APR 28 AH ID: 34
 David A. Olson, CMC
 Newton, MA 02459

PETITION TO THE NEWTON CITY COUNCIL UNDER ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ 1. <i>Elena D Wright</i>	Elena D. Wright	94 Ridge Ave	6/2
✗ 2. <i>P. Abbott</i>	Patricia Abbott	314 N'ville Ave	2/2
✓ 3. <i>Kathryn Rebecca Katsenes</i>	KATHRYN REBECCA KATSENES	174 Newtonville Ave	2/2
✓ 4. <i>Andrea Katsenes</i>	Andrea Katsenes	175 Newtonville Ave Newton	1/2
✓ 5. <i>Mary Heney</i>	MARY HENEY	214 Bellevue St Newton	1/2
✓ 6. <i>Robin Lapides</i>	Robin Lapides	12 Princeton St	1/2
✓ 7. <i>Kathleen Kouril Grieser</i>	Kathleen Kouril Grieser	258 Mill Street	2/4
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Clerk
 2012 APR 28 AM 10:35
 David A. Olson, City
 Clerk
 Newton, MA 02459

(5)

**PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER**

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
------------------	-------------------	-----------------------	----------------------

✓ 1. <u>Karen Lumino</u>	<u>Karen Lumino</u>	<u>11 Arden Rd</u>	<u>2/3</u>
--------------------------	---------------------	--------------------	------------

2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Clerk
 2016 APR 28 AM 10:35
 David A. Olson, CMC
 Newton, MA 02459

(1)

Following Newton voters have signed the petition:

Faith Justice 44 Churchill Street Ward 1/4

Susan Mastromattei 58 Churchill Street Ward 1/4

Louis Mastromattei 58 Churchill Street Ward 1/4

Andrew Mastromattei 60 Churchill Street Ward 1/4

James Mastromattei 60 Churchill Street Ward 1/4

Stephen Mastromattei 60 Churchill Street Ward 1/4

Lisa Mastromattei 60 Churchill Street Ward 1/4

Paul D'Amore 60 Brookside Ave Ward 2/1

Susan Allison-D'Amore 60 Brookside Ave Ward 2/1

Chris D'Amore 60 Brookside Ave Ward 2/1

RECEIVED
Newton City Clerk
2016 APR 28 AM 10:35
David A. Olson, CHIC
Newton, MA 02459

PETITION TO THE NEWTON CITY COUNCIL UNDER ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ 1.	Faith Justice	44 Churchill St.	1-2
✓ 2.	Susan Mastromattei	58 Churchill St.	1-2
✓ 3.	Louis MASTROMATTEI	58 Churchill St.	1-2
✓ 4.	Andrew Mastromattei	60 Churchill	1-2
✓ 5.	James Mastromattei	60 Churchill	1-2
✓ 6.	Stephen MASTROMATTEI	60 Churchill St	1-2
✓ 7.	LISA MASTROMATTEI	60 Churchill St.	1-2
✓ 8.	Paul D. D'AMORE	60 Brookside Ave Newtonville, MA 02460	1-1
✓ 9.	Susan G Allison-D'Amore	60 Brookside Ave Newtonville, MA 02460	1-1
✓ 10.	Chris D'AMORE	60 Brookside Ave	1-1

RECEIVED
 Newton City Council
 2016 APR 28 AM 11:55
 David G. O'Connell
 City Clerk
 Newton, MA 02459

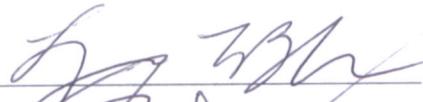
**PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER**

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
✓ 1. 	43 Lynne LeBlanc	43 Brookdale Rd	2/2
✓ 2. 	Randall Bock	43 Brookdale Rd	2/2
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Clerk
 2016 APR 28 AM 10:35
 David A. Olson, CMC
 Newton, MA 02459

(2)

PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
✓ 1. <u>alison Conant</u>	<u>ALISON CONANT</u>	<u>68 Brookside Ave.</u>	<u>2/1</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Office
 2016 APR 28 AM 10:35
 David A. Olson, CMC
 Newton, MA 02459

**PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER**

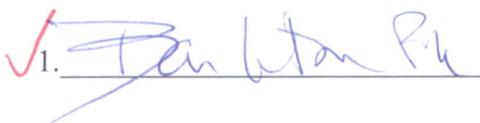
The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
------------------	-------------------	-----------------------	----------------------

✓ 1. 	SARAH LITMAN-PIKE	59 BROOKSIDE AVE	2/1
---	-------------------	------------------	-----

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

RECEIVED
 Newton City Clerk
 2016 APR 28 AM 10:35
 David A. Olson, CMC
 Newton, MA 02459

PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ 1. 	DANIEL E. PIKE	59 Brookside Ave	2/1
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
Newton City Clerk
2016 APR 28 AM 10:35
David A. Olson, Clerk
Newton, MA 02459

(1)

**PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER**

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017.

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
✓ 1. <u>Susan Reisler</u>	<u>Susan Reisler</u>	<u>11 Claflin Place</u>	<u>2/2</u>
✓ 2. <u>Peter Bruce</u>	<u>Peter Bruce</u>	<u>11 Claflin Place</u>	<u>2/2</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

RECEIVED
 Newton City Council
 2016 APR 28 AM 10:35
 David A. Olson, CM/C
 Newton, MA 02459

(2)

PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ <i>Pamela Shufro</i>	Pamela Shufro	20 Blithedale St	2-2 2-3
✓ 2. <i>Steven Shufro</i>	Steven Shufro	20 Blithedale St	2-2 2-3
✓ 3. <i>Julia Slayton (PR)</i>	Julia Slayton	15 Blithedale St.	2-2 2-3
✓ 4. <i>[Signature]</i>	Sloan Nota	76 OTIS ST NEWTON	2-2 2-3
✓ 5. <i>Leslie Adelsheim</i>	Leslie Adelsheim	12 Blithedale St.	12 Blithedale St 2-2 2-3
✓ 6. <i>R. A. McKean</i>	ROBERT McKean	76 OTIS ST	2-2 2-3
✓ 7. <i>James R. Fleming</i>	James R. Fleming	21 Blithedale St	2-2 2-3
✓ 8. <i>Melissa Toulan</i>	MELISSA Toulan	21 Blithedale St	2-3
9. _____	_____	_____	_____
10. _____	_____	_____	_____

David A. Olson, CMC
 Newton, MA 02459
 2016 APR 28 AM 10:35
 RECEIVED
 Newton City of

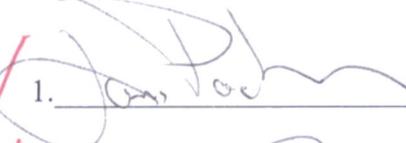
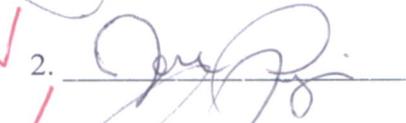
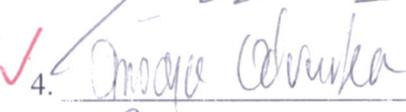
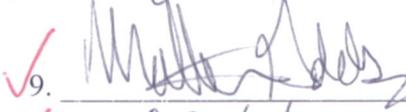
PETITION TO THE NEWTON CITY COUNCIL UNDER ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
✓ 1. 	JAMES PACHECO	48 CIRCUIT AVE	5/2
N 2. 	JON PAPIA	17 SULLIVAN AVE	5/1
✓ 3. 	Ed Melendez	39 Parsons St.	3/1
✓ 4. 	Anya Chavuka	1210 Chestnut St	5/2 5/1
✓ 5. 	Bob Passerini	88 High St	5/1
✓ 6. 	Wing Chow	78 Margaret Rd	5/2
✓ 7. 	Jessica Hartmann	45 Margaret Rd	5/2
✓ 8. 	Edward Huntis	38 Brae Burn Rd	4/3
✓ 9. 	Matthew Goldstein	29 Margaret Rd	5/2
✓ 10. 	L C Nause	9 Margaret Rd	5/2

David A. Olson, CMC
Newton, MA 02459

RECEIVED
NEWTON CITY
2016 APR 28 AM 10:35

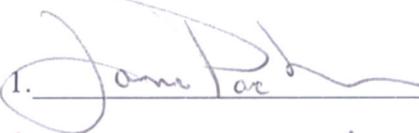
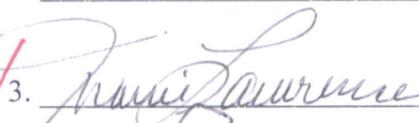
**PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER**

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

<i>Signature</i>	<i>Print Name</i>	<i>Street Address</i>	<i>Ward/Precinct</i>
T 1. 	JAMES PACHECO	48 CIRCUIT AVE 11 Susan	5/2
✓ 2. 	MARGARET PITMAN	Place	5/2
✓ 3. 	Marie Lawrence	16 Margaret Rd N. Hds, 4d	5/2
N 4. 	Lianjiang Zong	14 Margaret	5/2
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____

T

✓

✓

N

RECEIVED
 Newton City Office
 2016 APR 28 AM 10:35
 David A. Olson, CMC
 Newton, MA 02459

(2)

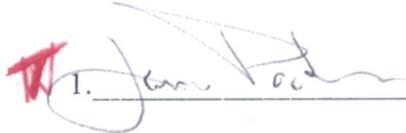
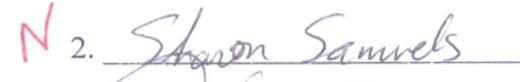
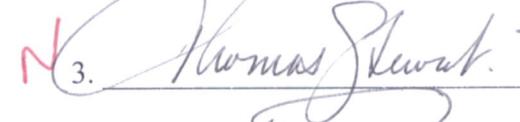
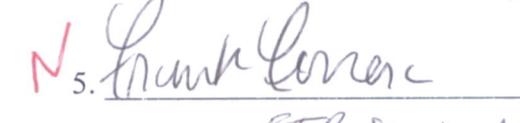
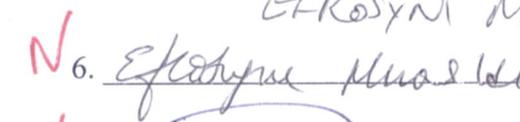
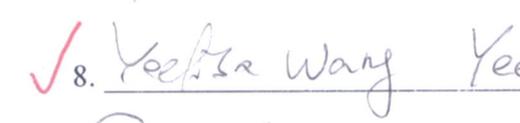
PETITION TO THE NEWTON CITY COUNCIL UNDER
ARTICLE 10 ~ §2 OF THE NEWTON CITY CHARTER

The undersigned voters of the City of Newton petition the Newton City Council to adopt the following measure:

The Newton City Council shall establish a Moratorium to prohibit the change of the Zoning District applicable to any land in Newton, without the written approval of a majority of the owners of land within 1,000 feet of the land contained in said proposed changed Zoning District.

The Moratorium shall not expire sooner than December 31, 2017

The City Council shall publish such notice as is required to take action on this proposed Moratorium within twenty days of receipt of this Petition.

Signature	Print Name	Street Address	Ward/Precinct
	JAMES PACHECO	48 CIRCUIT AVE	5/2
	Sharon Samuels	32-Lincoln St.	6/3
	THOMAS Stewart	37 Lincoln St	4-2 6/3
	MICHAEL HOININIS	35A Lincoln St	
	Frank Ferrer	19 Lincoln St.	6/3
	EFROSYNI MINASIDIS	39 Lincoln St	6/3
	M. B. Khaleji	20 Lincoln St	6/3
	Yeelisa Wang	58 Margaret	5/2
	Ann Berger	40 Margaret	5/2
	Lin Zhang	34 Frances St.	5/2

2016 APR 28 AM 10:25
RECEIVED
DAVID A. OLSON, CLIC
NEWTON, MA 02459

Sec. 9-11. Financial Records.

Each neighborhood area council shall keep complete financial records which shall be subject to city audit.

**ARTICLE 10.
FREE PETITION; INITIATIVE; REFERENDUM**

Sec. 10-1. Individual, Discretionary Petitions.

The city council and the school committee shall receive all petitions addressed to either of them and may in their discretion take such action with regard to the petitions as they deem necessary and advisable.

Sec. 10-2. Group Petitions; Action Required.

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by at least 50 voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee or, in either case, by a committee or subcommittee of either the city council or school committee and the action by the city council or school committee shall be taken not later than 3 months after the petition is filed with the city clerk. Hearings on 2 or more petitions filed under this section may be held at the same time and place and the city clerk shall mail notice of the hearing to the first 50 certified signers whose names appear on each petition at least 48 hours before the hearing. Notice by publication of all such hearings shall be at public expense. (Referendum of 11-04-75.)

Sec. 10-3. Initiative: Repeat Matters.

Except as otherwise provided by law or this charter, a measure may be proposed to the city council or the school committee in accordance with this article, but no measure which is substantially the same as any other measure submitted or referred to the voters and disapproved by them within 2 years or which would have the effect of repealing any measure so submitted or referred and approved by the voters within 2 years may be proposed by initiative procedures.

Sec. 10-4. Initiative: Commencement of Proceedings; Referral to City Solicitor.

Initiative procedures shall be started by the filing of an initiative petition with the city clerk. The petition shall be addressed to the city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by at least 50 voters. If the city clerk determines that at least 50 of the filers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

Sec. 10-5. Initiative: Opinion of Solicitor.

Within 15 days after receipt of the petition, the city solicitor shall advise the city clerk in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state the reason or reasons for the opinion in the reply. The city clerk shall furnish a copy of the city solicitor's opinion to the person whose name first appears on the initiative petition.

Sec. 10-6. Initiative: Additional Signatures.

The signatures of additional voters who support the petition in addition to those in Section 10-4, may be

Election Commission #182-16
City of Newton

Nomination Paper Receipt

Receipt #

139

Date:

Apr. 1 28, 2016

RECEIVED FROM:

Print Name:

Feol Arnstein

Signature:

Feol Arnstein

Nomination Papers Received:

15

Candidate:

Political Office:

Number of Certified Voter Signatures

50

Certified Papers Returned To:

Print Name:

Signature:

Date:

David A. O'Sol, CMC
Newton, MA 02459

2016 APR 28 AM 10:37

RECEIVED
Newton City Clerk

Office Copy

Notification List

#192-16
#182-16

Name	Street Address	Zip Code	Ward	Precinct
Fredrick T. Arnstein	7 Briar Lane	02460	2	3
Gail E. Gordon Sanchez	32 Walnut Place	02460	2	3
Luis T. Sanchez	32 Walnut Place	02460	2	3
Pamela Geib	7 Briar Lane	02460	2	3
David W. Wenstrom	345 Crafts Street	02460	2	3
Elena Dworkin Wright	94 Ridge Avenue	02459	6	2
Kathryn Rebecca Katsenes	174 Newtonville Avenue	02458	1	2
Mary K. Heney	214 Bellevue Street	02458	1	2
Robin A. Lapidus	12 Princeton Street	02458	1	2
Kathleen Kouril Grieser	258 Mill Street	02460	2	4
Karen M. Lumino	11 Arden Road	02460	2	3
Faith Justice	44 Churchill Street	02460	1	4
Susan A. Mastromattei	58 Churchill Street	02460	1	4
Louis Mastromattei	58 Churchill Street	02460	1	4
Andrew Mastromattei	60 Churchill Street	02460	1	4
James Robert Mastromattei	60 Churchill Street	02460	1	4
Stephen Mastromattei	60 Churchill Street	02460	1	4
Lisa A. Mastromattei	60 Churchill Street	02460	1	4
Paul D. D'Amore	60 Brookside Avenue, # 1	02460	2	1
Susan G. Allison-D'Amore	60 Brookside Avenue, # 1	02460	2	1
Christopher Francis D'Amore	60 Brookside Avenue, # 1	02460	2	1
Lynne Lise LeBlanc	43 Brookdale Road	02460	2	1
Randall S. Bock	43 Brookdale Road	02460	2	1
Alison Conant	68 Brookside Avenue	02460	2	1
Richard C. Frank	68 Brookside Avenue	02460	2	1
Barbara Pike-Litman	59 Brookside Avenue	02460	2	1
Daniel E. Pike	59 Brookside Avenue	02460	2	1
Susan Reisler	11 Claflin Place #3	02460	2	2
Peter Bruce	11 Claflin Place #3	02460	2	2
Pamela Reed Shufro	20 Blithedale Street	02460	2	3
Steven M. Shufro	20 Blithedale Street	02460	2	3
Julia L. Slayton	15 Blithedale Street	02460	2	3
Sloan Nota	76 Otis Street	02460	2	3
Leslie S. Adelsheim	12 Blithedale Street	02460	2	3
Robert A. McKean	76 Otis Street	02460	2	3
James R. Fleming	21 Blithedale Street #1	02460	2	3
Melissa Toulan	21 Blithedale Street #2	02460	2	3
James M. Pacheco	48 Circuit Avenue #1	02461	5	2
Edgardo Melendez	39 Parsons Street	02465	3	1
Ansaya Ovarka	1210 Chestnut Street	02464	5	1
Robert Lee Passarini	88 High Street #3	02464	5	1
Wing P. Chow	73 Margaret Road	02461	5	2
Jessica Hartmann	45 Margaret Road	02461	5	2
Edward R. Hunter	38 Brae Burn Road	02466	4	3
Matthew A. Goldstein	29 Margaret Road	02461	5	2
Laura C. Hausle	9 Margaret Road	02461	5	2

RECEIVED
Newton City Clerk
2016 JUN -8 AM 11:43
David A. Olson, Clerk
Newton, MA 02459

Mailed m ↑
L.D.

Margaret S. Pitman	11 Suban Place	02461	5	2
Marie E. Lawrence	16 Margaret Road	02461	5	2
Yeelisa Wang	58 Margaret Road	02461	5	2
Ann Berger	40 Margaret Road	02461	5	2

N = No such registered voter @ add

T= Already signed

Fredrick Arnstein
7 Briar Lane
Newtonville, MA 02460

Gail Gordon
32 Walnut Street
Newtonville, MA 02460

Luis Sanchez
32 Walnut Place
Newtonville, MA 02460

Pamela Geib
7 Briar Lane
Newtonville, MA 02460

David Wenstrom
345 Crafts St.
Newtonville, MA 02460

Elena Wright
94 Ridge Ave.
Newtonville, MA 02460

Kathryn Katsenes
174 Newtonville Ave.
Newtonville, MA 02460

Karen Lumino
11 Arden Road
Newtonville, MA 02460

Mary Heney
214 Bellevue Street
Newtonville, MA 02460

Robin Lapidus
12 Princeton Street
Newtonville, MA 02460

Kathleen Kouril Grieser
258 Mill Street
Newtonville, MA 02460

Faith Justice
44 Church Street
Newtonville, MA 02460

Susan Mastromattei
58 Churchill Street
Newtonville, MA 02460

Peter Bruce
11 Claflin Place
Newtonville, MA 02460

James Fleming
21 Blithedale Street
Newtonville, MA 02460

Pamela Shufro
20 Blithedale Street
Newtonville, MA 02460

Melissa Toulan
21 Blithedale Street
Newtonville, MA 02460

Steven Shufro
20 Blithedale Street
Newtonville, MA 02460

James Pacheco
48 Circuit Avenue
Newton, MA 02461

Julia Slayton
15 Blithedale Street
Newtonville, MA 02460

Edgardo Melendez
39 Parsons Street
Newton, MA 02465

Sloan Nota
76 Otis Street
Newtonville, MA 02460

Ansaya Odvarka
1210 Chestnut Street
Newton, MA 02464

Leslie Adelsheim
12 Blithedale Street
Newtonville, MA 02460

Bob Passarini
88 High Street #3
Newton, MA 02464

Robert McKean
76 Otis Street
Newtonville, MA 02460

Wing Chow
73 Margaret Road
Newton MA 02464

Louis Mastromattei
58 Churchill Street
Newtonville, MA 02460

LynneLeBlanc
43 Brookdale Road
Newtonville, MA 02460

Andrew Mastromattei
60 Churchill Street
Newtonville, MA 02460

Randall Bock
43 Brookdale Road
Newtonville, MA 02460

Stephen Mastromattei
60 Churchill Street
Newtonville, MA 02460

Alison Conant
68 Brookside Avenue
Newtonville, MA 02460

Lisa Mastromattei
60 Churchill Street
Newtonville, MA 02460

Richard Frank
68 Brookside Avenue
Newtonville, MA 02460

Paul D'Amore
60 Brookside Avenue
Newtonville, MA 02460

Barbara Pike Litman
59 Brookside Avenue
Newtonville MA 02460

Susan Allison-D'Amore
60 Brookside Avenue
Newtonville, MA 02460

Daniel Pike
59 Brookside Avenue
Newtonville, MA 02460

Chris D'Amore
60 Brookside Avenue
Newtonville, MA 02460

Susan Reisler
11 Claflin Place
Newtonville, MA 02460

Jessica Hartmann
45 Margaret Road
Newton, MA 02464

James Mastromattei
60 Churchill Street
Netwon, MA 02460

Edward Hunter
38 Brae Burn Road
Newton, MA 02466

Marie Lawrence
16 Margaret Road
Netwon, MA 02461

Matthew Goldstein
29 Margaret Road
Newton, MA 02464

Laura C. Hausle
9 Margaret Road
Newton, MA 02464

Margaret Pitman
11 Suban Place
Newton, MA 02464

Yeelisa Wang
59 Margaret Road
Newton, MA 02464

Ann Berger
40 Margaret Road
Newton, MA 02464

LAW DEPARTMENT MEMORANDUM

TO: Councilor Hess-Mahan, Chair, Zoning and Planning Committee

CC: Members of the Zoning and Planning Committee

FROM: Marie M. Lawlor, Assistant City Solicitor

RE: Docket Item #182-16
Citizens Petition Requesting a Moratorium to Prohibit Zone Changes without Written Approval of a Majority of Landowners within 1000 Feet

DATE: June 24, 2016

Docket Item #182-16, a Citizens Petition filed pursuant to Section 10-2 of the City Charter, requests the City Council to establish a moratorium to prohibit zoning district changes without the written approval of a majority of the landowners within 1000 feet of the land proposed to be re-zoned. You have asked my opinion as to whether such a prohibition would be valid.

Issue

Would a zoning ordinance establishing a moratorium during which a change of the zoning district applicable to any land in Newton would be prohibited without the written approval of a majority of landowners within 1000 feet be valid?

Short Answer

No. Such a prohibition, which gives final authority over approval or disapproval of a zoning amendment to surrounding landowners, would constitute an improper delegation of zoning authority to private citizens, and would be in direct conflict with the Zoning Enabling Act, M.G.L. c. 40A as well as the due process clause of the 14th Amendment.

Discussion

The power to zone stems from the police power reserved to the Commonwealth by the Massachusetts Constitution. Under the Home Rule Amendment, the police power, including the zoning power and certain other state powers may be directly exercised by the municipalities of the Commonwealth. In Massachusetts, the zoning authority of cities and towns is regulated by G.L. c. 40A.

It is well settled law that the police power of local governments, including the power to zone, may not be delegated to private citizens. In *Washington ex. rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928) the U.S. Supreme Court invalidated a municipal zoning ordinance permitting a particular use of land only if more than one-half of the landowners within a particular distance approved. The Court stated that giving the neighboring landowners, who are unbound by any official duty, unrestricted authority to prohibit the particular use of land in question was "... repugnant to the due process clause of the 14th Amendment." 278 U.S. 166, 172. See e.g. *Larkin v. Grendel's Den, Inc.*, 459 U.S. 116 (1982) (Massachusetts statute that vested in the governing bodies of churches and schools unrestricted power to veto issuance of liquor licenses within a 500 foot zone is improper delegation of police power to private parties).

M.G.L. c. 40A provides strict procedures for municipal approval of zoning amendments, including amendments to zoning districts. Section 5 of the statute clearly states: "Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided." [Emphasis supplied]. The procedure for approval is spelled out in the section:

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the ... city council ...

Section 5 does, however, provide some relief for neighboring landowners. If, in cities such as Newton with a council of fewer than twenty-five members, "... owners of more than twenty percent of the land proposed to be included in the zoning change or of the area of the land immediately adjacent extending three hundred feet therefrom ..." file with the City Clerk a written protest with their reasons against the change prior to final action by the City Council, then the amendment may only be approved by a three-quarters vote of the City Council, rather than two-thirds. In Newton, a two-thirds vote would require sixteen votes; a three-quarters vote would require eighteen votes. The City Council, however, retains the final authority to approve or disapprove the zoning amendment.

Conclusion

To the extent that Citizen's Petition, Docket #182-16, seeks, during the period of a proposed moratorium, to delegate the final approval of a zoning amendment (in this case a change in zoning district) to a majority of landowners within a thousand feet of the land proposed to be re-zoned, it calls for an improper delegation of the City of Newton's zoning authority to private citizens. In my opinion, any ordinance proposing such a delegation, whether the delegation is contained in a temporary zoning ordinance (a moratorium) or a permanent zoning ordinance would be in direct conflict with M.G.L. c. 40A and the due process clause of the 14th Amendment.