



Zoning & Planning Committee Agenda

City of Newton **In City Council**

Monday, June 13, 2016

7:45PM
Room 205

Items Scheduled for Discussion:

- #197-16 Mayor's appointment of Michael Rossi to the Zoning Board of Appeals**
HIS HONOR THE MAYOR appointing Michael Rossi, 20 Rose Drive, West Newton, as a member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 PM]
- #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]
- #199-16 Mayor's appointment of Joshua Lewin to the Zoning Board of Appeals**
HIS HONOR THE MAYOR appointing Joshua Lewin, 89 Lowell Avenue, Newtonville, 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]
- #200-16 Mayor's re-appointment of Michael Quinn to the Zoning Board of Appeals**
HIS HONOR THE MAYOR re-appointing Michael Quinn, 115 Staniford 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]
- #201-16 Mayor's re-appointment of Treffle LaFleche to the Zoning Board of Appeals**
HIS HONOR THE MAYOR re-appointing Treffle LaFleche, 1603 Commonwealth Avenue, West Newton, 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]
- #202-16 Mayor's re-appointment of Harvey Creem to the Zoning Board of Appeals**
HIS HONOR THE MAYOR re-appointing Harvey Creem, 110 Huntington Road, Newton, as an associate member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 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.*

- #203-16 Mayor's re-appointment of William McLaughlin to the Zoning Board of Appeals**
HIS HONOR THE MAYOR, re-appointing William McLaughlin, 117 Hammond Street, Chestnut Hill, as a member of the Zoning Board of Appeals for a term to expire June 30, 2019 (60 days 8/5/16) [05/31/16 @ 4:36 PM]
- #222-13(2) Zoning amendment to regulate front-facing garages in residential zones**
THE ZONING AND PLANNING COMMITTEE proposing to amend **Chapter 30**, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts. [08/03/15 @ 10:15 AM]

Items Not Scheduled for Discussion:

Public hearing 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]

Public hearing assigned for June 27, 2016:

- #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]

Public Hearing assigned for June 27, 2016:

- #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)

Public Hearing assigned for June 27, 2016:

- #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]

Public Hearing assigned for June 27, 2016:

#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]

Public Hearing assigned for June 27, 2016:

#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. [04/19/26 @ 9:11 PM] (65 days 7/5/15)

#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]

#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.

#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]
- #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]
- #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.
- #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]

#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. SANGIOLLO 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

#197-16

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(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, Clerk
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Michael Rossi of 20 Rose Drive, Newton as a member of the Zoning Board of Appeals. His term of office shall expire on June 30, 2019 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 J. ROSSI

20 Rose Drive • Newton, MA 02465

SUMMARY

Versatile civil litigation attorney with practical experience in professional liability, employment, commercial, and real estate disputes. Substantial courtroom and ADR experience. Licensed to practice in state and federal courts of Massachusetts and New Hampshire since 2006.

LEGAL EXPERIENCE

CONN KAVANAUGH ROSENTHAL PEISCH & FORD, LLP

Boston, MA

Litigation Attorney

July, 2013 to Present

- Conduct all aspects of discovery, motion practice, ADR, and trial preparation in diverse litigation practice.
- Counsel claims professionals, in-house counsel and individual clients regarding litigation management and strategy.
- Appear regularly in state and federal courts and before municipal boards, commissions and state agencies.
- Selected as a "Rising Star" in General Litigation by *Law & Politics* and *Boston Magazine* in 2011-2015.

CLARK, HUNT, AHERN & EMBRY

Cambridge, MA

Litigation Attorney

April 2008 to July, 2013

- Litigated dozens of state and federal cases, including complex civil litigation.
- Drafted pleadings, dispositive motions, written discovery and strategic case evaluations.
- Reviewed claim files and medical records to analyze potential legal claims and defenses in general liability cases.

MORRISON MAHONEY, LLP

Boston, MA

Litigation Attorney

August 2006 to April 2008

- Second-chair at three-week trial of traumatic brain injury case; conducted examinations of lay and expert witnesses.

EDUCATION

SUFFOLK UNIVERSITY LAW SCHOOL

Boston, MA

Juris Doctor, May 2006, *Cum Laude**Honors:* Dean's List*Suffolk University Law Review*, Note Editor

National Mock Trial Competition Team

Distinguished Oral Advocate Award, Legal Practice Skills, 2004

S.J.C. Rule 3:03 Certified Student Prosecutor, Middlesex County District Attorney's Office

THE JOHNS HOPKINS UNIVERSITY

Baltimore, MD

Bachelor of Arts, International Relations, May 2001

Honors: Dean's List**PROFESSIONAL AND COMMUNITY AFFILIATIONS**

- City of Newton Zoning Board of Appeals; Associate Member since 2013
- Johns Hopkins University Alumni Association; Law Affinity Group Leader and former Chapter President
- Boston American Inn of Court; member since 2011
- Massachusetts Bar Association; member since 2006
- New Hampshire Bar Association; member since 2006
- Coach, Newton Girls Softball, YMCA Biddy Basketball, Garden City Youth Soccer



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#198-16

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E-mail
swarren@newtonma.gov

May 27, 2016

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
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

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Newton City Hall
2016 MAY 31 PM 4:36
David A. Olson, CMC
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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

#199-16

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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, CMG
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Ladies and Gentlemen:

I am pleased to appoint Joshua Lewin of 89 Lowell Avenue, 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

#57

**COMPLETE****Collector:** New Link (Web Link)**Started:** Wednesday, January 06, 2016 1:17:07 PM**Last Modified:** Wednesday, January 06, 2016 5:08:25 PM**Time Spent:** 03:51:18**IP Address:** 162.220.44.86

PAGE 1: Application for City of Newton Boards and Commissions

Q1: Your contact Information

First Name	Joshua
Last Name	Lewin
Street Address	89 Lowell Ave
Village	Newtonville
Zip code	02460
E-mail	
Telephone Number	

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

Found it listed on the city website

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.

Economic Development Commission,
Newtonville Historic District Commission,
Zoning Board of Appeals

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 been a resident of Newton since 2000, living in Newton Corner from 2000-2003 and in Newtonville since 2003. I am also a practicing attorney and maintained an office in Newton for a period of time during which I was active in the local business community. I love the City and the community and am raising my family here. I have always wanted to be involved in local government and the development and administration of City's policies and affairs.

I am applying to the ZBA, Newtonville Historic District Commission and the Economic Development Commission. Of the openings currently available in the City, I am most interested and best suited for these particular positions. With regard to the ZBA, I have experience representing clients in matters involving decisions of various ZBA's in the Commonwealth and am familiar with the provisions of chapter 40A. I am interested in contributing my time to the ZBA to see that the city's continuing development adheres to the provisions and spirit of the bylaws and that those bylaws are enforced fairly and impartially. With regard to the Newtonville Historic District Commission, I live in the historic district (my house was the second on Lowell Ave) and appreciate the distinctive historic character of its structures and agree with the importance of preserving that character. At the same time, I recognize the need for continued development and/or improvements to structures in the district and will bring a measured and reasonable approach to carrying out the Commission's objectives. With regard to the Economic Development Commission, as a resident and former business owner, I am in favor of continued initiatives to foster economic growth and development in the city in such a way that attracts new business and helps existing businesses, but also preserves the residential and bucolic characteristics of the City.

Q8: If you have an updated resume, please paste a copy of the text here.**EDUCATION & PROFESSIONAL LICENSES****BOSTON COLLEGE LAW SCHOOL**

Juris Doctor, May 2003 – cum laude — GPA: 3.477 Class Standing: Top 20%; Environmental Affairs Law Review

BOSTON COLLEGE

Bachelor of Arts, May 1999- summa cum laude; — GPA: 3.85 Class Standing: Top 2%; Phi Beta Kappa; Scholar of the College

BAR ADMISSIONS

Commonwealth of Massachusetts; United States District Court for the District of Massachusetts; United States District Courts for the Districts of New Hampshire and Connecticut (pro hac vice); United States Bankruptcy Court for the District of Massachusetts; United States Court of Appeals for the First Circuit

WORK EXPERIENCE**PARTNER****BOWDITCH & DEWEY, LLP****2015- CURRENT —**

Successfully represent corporate and individual clients in all phases of civil litigation before state and federal courts and administrative agencies, including trial and appellate advocacy, negotiations, mediations and arbitrations, written and oral motion practice, pleadings, expert discovery, witness preparation and all phases of discovery.

— Representative matters include corporate contract, unfair competition, complex business torts, employment, real estate, property damage, and personal injury litigation, regulatory adjudicatory proceedings, insurance coverage disputes, and consumer protection act (chapter 93A) claims.

ATTORNEY (OF COUNSEL)**LOONEY & GROSSMAN, LLP****2014-2015 —**

Represent corporate and individual clients in a broad range of civil litigation before state and federal courts and administrative agencies. Representative matters include prosecuting and defending business claims on behalf one of the largest utility providers in Massachusetts, defending Carmack Amendment claims in the federal courts, and handling contract, business tort and unfair competition litigation for consulting firms and a distributor of electrical supplies.

ATTORNEY/OWNER**LEWIN & LEWIN, ATTORNEYS AT LAW****2010-2014 —**

Develop and manage civil litigation practice, including representing one of Massachusetts' largest utility providers in hundreds of complex energy infrastructure disputes, successfully defending an appeal before the Massachusetts Appeals Court involving the legality of a law firm charging a contingent attorney's fee in a corporate transaction, prosecuting and defending construction litigation, and representing individual and corporate clients in business, employment professional licensing, personal injury and real estate disputes.

employment, professional licensing, personal injury, and real estate disputes.

ATTORNEY PRINCE, LOBEL, GLOVSKY & TYE LLP 2004-2010

- Litigated a wide range of civil cases in the Massachusetts federal and state courts, focusing on complex business litigation, licensing and regulatory enforcement actions, securities/shareholder derivative litigation, catastrophic personal injury and death cases, legal malpractice claims, employment discrimination cases, consumer claims, commercial real estate disputes, libel/defamation claims, insurance coverage and bad faith actions, and general business disputes.
- Appear before all levels of state and federal courts in Massachusetts, including through trial and appeal in the state courts and prevailing in a precedent-setting appeal before the United States Court of Appeal for the First Circuit.

SPECIAL ASSISTANT DISTRICT ATTORNEY SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE
2009

- Appointed by Suffolk County District Attorney Daniel Conley to prosecute complex white collar embezzlement case involving the theft of hundreds of thousands of dollars from two national car rental agencies.

LAW CLERK TO THE JUSTICES MASSACHUSETTS SUPERIOR COURT 2003-2004

- Assist Justices in all phases of criminal and civil litigation, including trials, hearings and motion sessions, as well as drafting decisions and legal memoranda.

AWARDS/RECOGNITION

- Honored as one of twenty "Up and Coming Lawyers" in 2010 by Massachusetts Lawyers Weekly. → Recognized twice as a Massachusetts "Rising Star" in the area of General Litigation, as featured in Boston magazine in 2007 and 2009.
- Featured in a cover story in Massachusetts Lawyers Weekly on June 17, 2013.
- Big Brothers of Massachusetts Bay: Honored as one of five finalists for "Big Brother of the Year" in 2006; Featured and recognized at organization's largest fundraiser ("Big Night") in 2013; Organize and run an annual golf tournament which has raised nearly \$500,000 in the past twelve years.

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

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

#200-16

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(617) 796-1100

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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 Clk

2016 MAY 31 PM 4:36

David A. Olson, Clerk
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Michael Quinn of 115 Staniford 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

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DEDICATED TO COMMUNITY EXCELLENCE

Michael J. Quinn

115 Staniford Street, Newton Ma 02466

Objective

To serve my community.

Work Experience

Lodge Construction Corp. 1978 – 1996

President. Constructed approximately 250 single family homes in the Metro-west area.

Village Property Developers. 1982 – 1990

President. Constructed condos, small office buildings, and single family homes in the Metro-west and Worcester areas.

Re-max Realty Associates. 1991 – 2005

Owner. Real estate company employing approximately 50 real estate agents with offices in Framingham, Sudbury, and Ashland.

Nobscot Cafe. 1995-Present

President. Neighborhood style restaurant located in Framingham with seating for one hundred guests.

Realty Associates. 2006-Present

President. Small boutique real estate company selling homes in the greater Metro-west area.

Education

Framingham South High School

Boston State College

Volunteer Experience

Framingham Cable Commission – 1995 – Board Member

Framingham Permanent Building Committee – 1995-2005 - Chairman / Co-chairman. Designed and constructed many municipal buildings, including a new Police Head Quarters, Fire Department Head Quarters, Public works garage, and numerous schools.

Framingham Real Property Commission –2004 – Board Member.

Coalition against Drug and Alcohol Abuse – 2005-2008 – Board of Directors.

Mass Association of Realtors – 2003-2005 – Served as an Alternate Director.

Greater Boston Real Estate Board – 2005 – Served on the board of directors as well as various committees.

Greater Boston Association of Realtors – 2005 – Board of Directors.

Framingham Restaurant Association – 2004 – Served as President.



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Ladies and Gentlemen:

I am pleased to reappoint Treffle LaFleche of 1603 Commonwealth Avenue, 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

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DEDICATED TO COMMUNITY EXCELLENCE

TREFFLE E. LAFLECHE, AIA, LEED AP

Principal

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

COMMUNITY EXPERIENCE
City of Newton FAR Zoning Working Group

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

Chair, Historic Newton Capital Campaign Steering Committee

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

Member, Historic Newton Board of Directors
Durant-Kenrick Homestead & Grounds Transition Committee

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

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

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

Appalachian Mountain Club, Crawford Notch, NH

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

First Unitarian Society in Newton, Newton, MA

Master plan, exterior and interior renovations

First Parish Unitarian Universalist, Beverly, MA

Master plan and feasibility study

Marist Brothers Retirement Community, Framingham, MA

Housing, dining and chapel

Commonwealth School, Boston, MA

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

Lesley University, Cambridge, MA

Office of Student Affairs, renovation and addition

Private Residences throughout New England

Professional Experience

LDa Architecture & Interiors, LLP,
Cambridge, MA, 1992-Present

Perry Dean Rogers | Partners, Boston,
MA, Associate, 1985 - 1992

Skidmore Owings & Merrill, Boston, MA,
1984 - 1985

Education

University of Virginia
Master of Architecture, 1987

Dartmouth College
Bachelor of Arts, 1977

Certification

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

NCARB Certified, 2000

Teaching

Boston Architectural Center
Design Instructor/Thesis Advisor

University of Virginia School of
Architecture Studio Instructor



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Ladies and Gentlemen:

I am pleased to reappoint Harvey Creem of 110 Huntington Road, Newton as a member of the Zoning Board of Appeals. His term of office shall expire on June 30, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

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DEDICATED TO COMMUNITY EXCELLENCE

**HARVEY A. CREEM
110 HUNTINGTON ROAD
NEWTON, MA 02458**

Business Experience

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

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

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

Other Experience and Associations:

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

**HARVEY A. CREEM
110 HUNTINGTON ROAD
NEWTON, MA 02458**

Addendum to Resume

The following is an addendum to my resume.

- Member of the Board, Newton Communications Access Center, Inc. (NewTV)
- Member of the Board and Treasurer, Newton At Home
- Member of Audit Committee – Combined Jewish Philanthropies of Greater Boston, Inc.
- Member of Audit Committee – Temple Emanuel of Newton
- Member of Newton Zoning Board of Appeals, including several years as Chairman



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Ladies and Gentlemen:

I am pleased to reappoint William M. McLaughlin of 117 Hammond Street, Newton as a member of the Zoning Board of Appeals. His term of office shall expire on June 30, 2019 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

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DEDICATED TO COMMUNITY EXCELLENCE

WILLIAM M. MCLAUGHLIN
117 Hammond Street
Newton MA 02467

Executive Vice President of Development and Construction
AvalonBay Communities, Inc.
51 Sleeper Street Suite 750
Boston MA 02210

Mr. McLaughlin has been a Newton resident for almost 23 years. Bill is a Massachusetts native, having previously lived in Arlington, Belmont and Cambridge. He and his wife Linda are raising their six children in Newton, sending them through the Public schools; including Ward, Bigelow and Newton North HS.

Bill is a 1986 graduate of Harvard College, with a BA in Economics. He has extensive land use, zoning, planning, and design experience.

Mr. McLaughlin has been involved in Real Estate development and investment for 30 years. Bill has extensive experience in both housing and commercial real estate. For the past 21+ years, he has been with AvalonBay Communities, most recently as the EVP of Development for AvalonBay's five (5) North East offices (Boston, NYC, Long Island, NJ, and CT). In that role, Mr. McLaughlin oversees approximately 30 associates and over \$3 Billion in planned or active multifamily and mixed use development and construction. AvalonBay Communities is a \$30 Billion (enterprise value) publicly traded Real Estate Investment Trust (REIT), traded on the NYSE ("AVB"), and is a member of the S&P 500.

AvalonBay developed and owns 2 communities in Newton, Avalon Newton Highlands on Needham St and Avalon Chestnut Hill on Boylston St. Both were entitled under Ch 40 B.

Before joining AvalonBay, Mr. McLaughlin was with Lincoln Property Company for seven years, where he was responsible for multifamily development and acquisitions in eastern New England. Bill began his real estate career as a principal of a small residential development firm in Cambridge, MA and as a broker in Coldwell Banker Commercial's Boston office.

He was the 2008 Chairman of the Greater Boston Real Estate Board (GBREB), past Chairman of GBREB's Political Action Committee (PAC) and is a two-time past President of its Rental Housing Association (RHA) division. Bill also serves on the Board of Directors at Caritas Communities where he is currently Vice Chairman of the Board; is on the Board of Managers of the real estate holding company JWF, LLC; is on the Board of Overseers at Newton Wellesley Hospital; is on the National Association of Home Builders' (NAHB) Multifamily Leadership Board and a member of ULI. He is a past Director of National Association of Industrial and Office Properties (NAIOP) in Massachusetts. He is also an Advisor to CAN-DO, a Newton-based affordable housing CDC.