



# Finance Committee Agenda

## City of Newton In City Council

Monday, March 12, 2018

7:00 PM  
Room 211

### Items scheduled for discussion:

**#171-18 Appointment of Karen Glasgow as Human Resources Director**  
HER HONOR THE MAYOR appointing KAREN GLASGOW as the Human Resources Director for the City of Newton effective March 12, 2018 pursuant to §3-3 of the City Charter. (30 days 04/04/18)

**#168-18 Authorize submittal of Lincoln Eliot statement of interest to the MSBA**  
SUPERINTENDENT FLEISHMAN requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the FY 18 Statement of Interest no later than April 5, 2018 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School.

### Referred to Public Facilities and Finance Committees

**#172-18 Appropriate \$500,000 for snow and ice removal expenses**  
HER HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash to supplement the Department of Public Works' snow and ice operations budget.

Personnel Costs – Overtime (0140110-513001).....	\$150,000
Rental Vehicles (0140110-5273-5273) .....	\$350,000

**#153-18 Discussion with Procurement Officer on criteria for bidding contracts**  
COUNCILORS GENTILE, MARKIEWICZ, AND NORTON requesting a discussion with the Chief Procurement Officer regarding the City's process for hiring consultants. Discussion should focus in particular on 1) the criteria which determines whether a consulting contract is put out for public bid; and 2) when there is no bid process, what criteria are used to choose consultants.

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**Referred to Zoning & Planning and Finance Committees**

**#85-18**

**Appropriate funds to develop an action plan for Washington Street Corridor**

HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

**Zoning & Planning Approved 8-0 on 02/12/18**

**#154-18**

**Accept MGL C. 64N Sec 3 to impose local sales tax on recreational marijuana**

COUNCILORS KRINTZMAN, ALBRIGHT, DOWNS, LEARY, DANBERG, BROUSAL-GLASER, GENTILE AND KALIS requesting acceptance of Massachusetts General Law Chapter 64N, Section 3, and further requesting that the city impose a local sales tax of 3% on the sales of recreational marijuana and marijuana products by a licensed marijuana retailer to a consumer in the City.

**Referred to Programs & Services, Zoning & Planning and Finance Committees**

**#59-18**

**Ordinance amendment for licensing and criteria for lodging houses**

COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

**Zoning & Planning voted No Action Necessary on 02/26/18**

All other items before the Committee will be held without discussion.

Respectfully submitted,

Leonard J. Gentile, Chair



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#171-18

Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089

Email  
rfuller@newtonma.gov

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

City Councilors,

I write to request that your Honorable Council docket for consideration a request to approve the appointment of Karen Glasgow as the City's Human Resources Director. Karen is the Director of Labor Relations for Boston Public Schools managing a team of nine employees, including four attorneys. She is responsible for all aspects of labor relations for 9,600 employees. She negotiates, administers, and enforces 12 collective bargaining agreements and advises BPS management regarding labor and employment issues. She also supports labor relations training to ensure a fair, consistent and efficient administration of collective bargaining agreements.

Prior to her role at the Boston Public Schools, Karen was the Deputy Fire Commissioner, Labor/Legal at the Boston Fire Department for five years, responsible for human resources, medical and personnel divisions supporting the 1,400 employees of the department. As a member of the Fire Commissioner's central administrative team, she directed a comprehensive human resources program including recruitment, classifications, policies & procedures, collective bargaining, drug testing, and health/wellness programs. Before moving to Boston Fire, Karen was a Corporation Counsel in Boston's Law Department, representing the city in all phases of civil litigation in state and federal court.

Karen has the skills, experience and leadership qualities needed to lead this critical department. Her background in human resources, labor relations and municipal law makes her a great fit for the position. Her personal communication abilities will allow her to work across all city departments and be effective with management/union relations.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

RECEIVED  
Newton City Clerk  
February 28, 2008  
2008 MAR - 2 PM 1:01  
D. V. A. OLSON, CMC  
NEWTON, MA 02459

## LICENSURE:

Bar Memberships: United States Supreme Court, U.S. Court of Appeals First Circuit, U.S. District Court MA and Massachusetts

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## EXPERIENCE:

### **BOSTON PUBLIC SCHOOLS, Boston, MA**

#### **Director of Labor Relations**

**Nov. 2013 - Present**

Managing a team nine employees, including four fulltime attorneys, responsible for all aspects of labor relations for approximately 9,600 employees working for the Boston Public Schools.

Negotiate, administer, interpret and enforce 12 collective bargaining agreements. Devise and implement strategies for effective negotiations. Advise principals, headmasters, executives, managers and supervisors regarding labor and employment issues. Lead litigation related to labor grievances, district level disciplinary hearings, arbitrations regarding employee performance, discipline and contract interpretation, before the Massachusetts Division of Labor Relations, Civil Service Commission and State Courts. Develop, train and provide instruction necessary to support BPS labor relations objectives and ensure the fair, consistent and efficient administration of its collective bargaining agreements.

### **BOSTON FIRE DEPARTMENT, Boston, MA**

#### **Deputy Fire Commissioner, Labor/Legal**

**June 2008 – Oct. 2013**

Managed a staff of fifteen employees. Responsible for human resources, medical and personnel divisions supporting approximately 1,400 employees working for the Boston Fire Department.

Member of the Fire Commissioner's central administrative team. Provided executive support to the Fire Commissioner. Directed a comprehensive human resources program, including recruitment, selection, retention, classification employee relations and disputes, collective bargaining, civil service, evaluations, maintenance of personnel policies and procedures, employees injured on duty, random drug testing, and health and wellness programs. Ensured the Boston Fire Department's compliance with federal, state and local laws and ordinances affecting personnel. Member of the Department's collective bargaining team. Managed the Department's labor related issues.

### **CITY OF BOSTON LAW DEPARTMENT, Boston, MA**

#### **Senior Assistant Corporation Counsel**

**June 2006 – June 2008**

#### **Assistant Corporation Counsel**

**Jan. 2001 – June 2006**

Represented the City of Boston and individuals in all phases of civil litigation in state and federal court.

Solely responsible for extensive caseload in all areas of litigation including civil rights, employment and personal injury. Prepared and argued discovery motions, dispositive motions, bench trials, jury trials, before the District, Superior and U.S. District Courts. Argued appeals before First Circuit Court of Appeals and Massachusetts Court of Appeals. Advised Boston Fire Department and other City departments on a variety of internal issues.

#### **Law Clerk**

**May 1999 – May 2000**

Wrote dispositive motions for federal and state court. Performed legal research, assisted in depositions, conducted interviews with clients and witnesses, and responded to discovery for civil litigation.

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## EDUCATION:

### **HARVARD KENNEDY SCHOOL OF EXECUTIVE EDUCATION, CAMBRIDGE, MA**

Mastering Negotiation, May 2008

### **NEW ENGLAND SCHOOL OF LAW, BOSTON MA**

Juris Doctor, May 2000

### **UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, ADELPHI, MD**

Master of International Management, 1996

### **KINGSTON UNIVERSITY, LONDON, ENGLAND**

BSc Chemistry and Business Administration with Honors, 1989

## ACTIVITIES:

### **NEW ENGLAND JOURNAL OF CRIMINAL AND CIVIL CONFINEMENT: EDITORIAL BOARD**

Confinement Outreach Coordinator, 1999 – 2000

Associate Editor, 1998 – 1999

**NEW ENGLAND INTERNATIONAL AND COMPARATIVE LAW ANNUAL** - Editor-in-Chief, 1999 – 2000

**PHILLIP C. JESSUP INTERNATIONAL MOOT COURT COMPETITION 2000** – REGIONAL SEMI-FINALIST

**MINORITY STUDENTS' ASSOCIATION** – Vice President, 1998-1999

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## Director of Human Resources

### Statement of Duties:

The Director of Human Resources is the leader of human resource management for the City of Newton and a partner to newly elected Mayor Ruthanne Fuller, the first female Mayor of the City of Newton. The Director of Human Resources is a critical member of the Mayor's central administration team. The City's goal is to have an employee-oriented, high performance culture that emphasizes employee empowerment, quality work, high productivity, and personal goal attainment for our excellent workforce. The City of Newton is a vibrant and remarkable place to live and work. The City employs approximately one thousand employees the majority of whom are represented by collective bargaining agreements. It is the goal of the City to recruit and retain employees who reflect the City's diverse community. It is the responsibility of the HR Director to ensure that all employees are safe, have opportunity to grow in their careers and that the City attracts and hires qualified candidates from a variety of backgrounds.

This leader will be the day-to-day partner to the leaders of the City and will ensure HR operational excellence. This strategically thinking person will be responsible for driving alignment and maximizing efficiencies in HR and throughout the City. The ideal professional will build and drive employee engagement in a variety of ways including training, performance reviews and career path coaching. The HR Director will closely monitor ongoing talent needs and give proactive updates and counsel to the leadership team and will hold hiring managers accountable. Leading a variety of critical initiatives, the HR Director will oversee succession planning, workforce planning, quarterly achievement reviews and assessment of internal mobility.

This role will partner effectively with legal counsel and exercise outstanding judgment and expertise in employee and labor relations and contractual matters. The Director of Human Resources provides management and oversight of Employment, Compensation, Professional Development, Succession Planning, Health Benefits and Workers Compensation Programs. Specifically, the successful candidate will provide leadership and expertise in attracting, developing and sustaining a diverse workforce committed to quality public service; administer the Massachusetts Civil Service System; participate in labor negotiations and the administration of collective bargaining agreements; and manage the City's unemployment, health benefits and workers compensation programs.

Minimum Requirements: Bachelor's degree with 10+ years of experience, (Master's Degree, SPHR or PHR preferred) knowledge, skills and abilities to perform the essential functions of the job. Experience working in, or directly with, municipal government is required.

### Essential Functions:

- Partners with the Mayor and City Department Heads to facilitate all employment activity
- Performs varied duties ranging in nature from routine to complex, requiring strict adherence to state and federal laws; exercises independent judgment
- Prepares and administers department budget and maintains accurate records of expenses and accounts balances


- Oversees and participates in the development and provision of personnel services including recruitment, classification of positions, and the provision of benefits to employees and retirees
- Maintains effective employee working relations
- Maintains official personnel records in accordance with applicable law
- Represents the City in the negotiation of collective bargaining agreements; conducts independent research as required
- Ensures that the City is in compliance with all local, state, and federal personnel laws, rules, and regulations including ADA, civil rights, and FLSA
- Administers leave benefits in accordance with policy, collective bargaining agreements, and relevant law
- Oversees the administration of employee workers' compensation and 111F programs
- Develops and implements a wide range of employee training programs
- Serves as the city's liaison to the Employee Assistance Program (EAP)
- Oversees the administration of employee unemployment services
- Performs similar or related work as required or as situation dictates

**Knowledge, Skills, and Abilities:**

- SPHR certification preferred
- Excellent work ethic
- Excellent communication skills, verbal and written
- Excellent computer hardware and software skills, including word processing and spreadsheet applications
- Bachelor's degree



DAVID FLEISHMAN  
SUPERINTENDENT OF SCHOOLS

To: David Olson, City Clerk  
From: David Fleishman, Superintendent of Schools   
Date: February 16, 2018  
Re: Docket Request – MSBA FY18 SOI – Lincoln-Eliot

A vote of the City Council is requested to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the 2018 Statement of Interest (SOI) that will be submitted to the MSBA no later than April 6, 2018 for the consideration of the Lincoln-Eliot Elementary School as the districts next major school renovation project after Cabot. An SOI was submitted in 2016 and 2017 for consideration of a major renovation for the Lincoln-Eliot School including preschool at the preferred site at 150 Jackson Road – this SOI is being resubmitted without any changes except updated information about enrollment.

A draft of the SOI will be available on February 26, 2018, and will be forwarded to the City Clerk's office. A vote of the School Committee is expected on March 5, 2018. After this vote is taken, a copy of the certified vote will be forwarded, as well as the required MSBA form of vote for City Council.

The MSBA deadline for SOI submittal is April 6, 2018.

Thank you.

Enclosure: Docket Request Form

cc: Josh Morse, Commissioner of Public Buildings  
Maureen Lemieux, Chief Financial Officer  
Jonathan Yeo, Chief Operation Officer



NEWTON SCHOOL COMMITTEE

WARD	
I	Bridget Ray-Canada
II	Margaret Albright
III	Anping Shen
IV	Diana Fisher Gomberg
V	Steven Siegel, Vice-Chair
VI	Ruth Goldman, Chair
VII	Kathy Burdette Shields
VIII	Matthew Miller

MEMO

To: Mayor Ruthanne Fuller  
From: Lisa Mazzola  
Re: School Committee  
Date: March 7, 2018

The School Committee at its March 5, 2018 meeting voted to approve the following item:

Motion proposed for vote:

Resolved: Having convened in an open meeting on March 5, 2018 prior to the closing date, the School Committee of Newton, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 6, 2018 for the Lincoln-Eliot School located at 191 Pearl Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for: the elimination of existing severe overcrowding; replacement, the renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; and the replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledge that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Newton School District to filing an application for funding with the Massachusetts School Building Authority.

Motion to approve: Siegel      Seconded: Shields

The motion passed 9-0.



## Massachusetts School Building Authority

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### Next Steps to Finalize Submission of your FY 2018 Statement of Interest

Thank you for submitting your FY 2018 Statement of Interest (SOI) to the MSBA electronically. **Please note, the District's submission is not yet complete.** The District is required to mail all required supporting documentation, which is described below.

**VOTES: Each SOI must be submitted with the proper vote documentation.** This means that (1) the required governing bodies have voted to submit each SOI, (2) the specific vote language required by the MSBA has been used, and (3) the District has submitted a record of the vote in the format required by the MSBA.

- | **School Committee Vote:** Submittal of all SOIs must be approved by a vote of the School Committee.
  - | For documentation of the vote of the School Committee, Minutes of the School Committee meeting at which the vote was taken must be submitted with the original signature of the Committee Chairperson. The Minutes must contain the actual text of the vote taken which should be substantially the same as the MSBA's SOI vote language.
- | **Municipal Body Vote:** SOIs that are submitted by cities and towns must be approved by a vote of the appropriate municipal body (e.g., City Council/ Aldermen/Board of Selectmen) in addition to a vote of the School Committee.
  - | Regional School Districts do not need to submit a vote of the municipal body.
  - | For the vote of the municipal governing body, a copy of the text of the vote, which shall be substantially the same as the MSBA's SOI vote language, must be submitted with a certification of the City/Town Clerk that the vote was taken and duly recorded, and the date of the vote must be provided.

**ADDITIONAL DOCUMENTATION FOR SOI PRIORITIES #1 AND #3:** If a District selects Priority #1 and/or Priority #3, the District is required to submit additional documentation with its SOI.

- | If a District selects Priority #1, Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering or other report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The District also must submit photographs of the problematic building area or system to the MSBA.
- | If a District selects Priority #3, Prevention of a loss of accreditation, the SOI will not be considered complete unless and until a summary of the accreditation report focused on the deficiency as stated in this SOI is provided.

**ADDITIONAL INFORMATION:** In addition to the information required above, the District may also provide any reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or [SOI@massschoolbuildings.org](mailto:SOI@massschoolbuildings.org).

## Massachusetts School Building Authority

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School District Newton

District Contact Julie Kirrane TEL: (617) 559-9025

Name of School Lincoln-Eliot

Submission Date 2/26/2018

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### SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- After the district completes and submits this SOI electronically, the district must mail hard copies of the required documentation described under the "Vote" tab, on or before the deadline.
- The district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- On or before the SOI deadline, the district will submit the minutes of the meeting at which the School Committee votes to authorize the Superintendent to submit this SOI. The District will use the MSBA's vote template and the vote will specifically reference the school and the priorities for which the SOI is being submitted. The minutes will be signed by the School Committee Chair. This is required for cities, towns, and regional school districts.
- The district has arranged with the City/Town Clerk to certify the vote of the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and submit the full text of this vote, which will specifically reference the school and the priorities for which the SOI is being submitted, to the MSBA on or before the SOI deadline. This is not required for regional school districts.
- The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all of the required vote documentation in a format acceptable to the MSBA. If Priority 1 is selected, your SOI will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If Priority 3 is selected, your SOI will not be considered complete unless and until you provide a summary of the accreditation report focused on the deficiency as stated in this SOI.

**LOCAL CHIEF EXECUTIVE OFFICER/DISTRICT SUPERINTENDENT/SCHOOL COMMITTEE CHAIR  
(E.g., Mayor, Town Manager, Board of Selectmen)**

**Chief Executive Officer \*      School Committee Chair      Superintendent of Schools**

\_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

Date

Date

Date

\* Local chief executive officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

## Massachusetts School Building Authority

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School District NewtonDistrict Contact Julie Kirrane TEL: (617) 559-9025Name of School Lincoln-EliotSubmission Date 2/26/2018

### Note

#### The following Priorities have been included in the Statement of Interest:

1.  Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2.  Elimination of existing severe overcrowding.
3.  Prevention of the loss of accreditation.
4.  Prevention of severe overcrowding expected to result from increased enrollments.
5.  Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6.  Short term enrollment growth.
7.  Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8.  Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

### SOI Vote Requirement

I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA.

**Potential Project Scope:**           Renovation/ Addition

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**Is this SOI the District Priority SOI?**           NO

**School name of the District Priority SOI:**           Cabot

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**Is this part of a larger facilities plan?**           YES

**If "YES", please provide the following:**

**Facilities Plan Date:** 6/1/2007

**Planning Firm:** HMFH ARCHITECTS INC (2007, 2011); Self-prepared 2012-present

**Please provide a brief summary of the plan including its goals and how the school facility that is the subject of this SOI fits into that plan:**

**#168-18**

Newton has been actively engaged in long-range planning since the early 2000's when a significant growth trend began that has resulted in a K-12 population increase from 11,267 to 12,750 students, or 12% growth, with growth projected to continue at the high school level. The K-5 population had the steepest increase from 4,938 to 5,824 students, or 17% growth, and has stabilized in the past few years. A formal master plan was initiated in 2007, and conducted by HMFH Inc. The plan provided facility conditions assessment, space needs, and long-range utilization plans using both engineering/facility and educational standards for its evaluation. The HMFH plan was updated in 2011 with the launch of Newton's current long-range plan to correct facilities deficiencies by sequencing major and mid-sized projects at 15 elementary schools, which at that time included two of the oldest schools in the state in the worst condition (Angier, Cabot). Newton has continued to update its long range plan annually since 2012 and has developed consensus for the elementary facilities plan that provides critically needed modernization of school buildings and capacity expansion. The plan is fully coordinated with the city's capital plan which outlines multi-year financial support. The plan is based on detailed enrollment projections that document the capacity needed to address classroom shortages for both regular education as well as the needs of special populations. The long-range plan identified Angier and Cabot as Newton's first and third priorities due to age, condition and overcrowding. A debt exclusion in 2013 funded the Angier, Zervas and Cabot school buildings plus ten modular classrooms to address severe crowding in the short-term. In partnership with the MSBA, a newly constructed Angier was re-opened in January 2016 and Cabot is in construction through August 2019. Zervas is Newton's second school to be rebuilt, using MSBA standards and project management model but funded locally since its location and relatively low utilization of the site offered an opportunity to expand capacity. Zervas re-opened in September 2017 with six additional classrooms and has an enlarged school district. Cabot will open in September 2019 with four additional classrooms. When complete, the Angier, Zervas and Cabot projects will have added capacity for approximately 200 students and, through redistricting, will have eased crowding at other schools. However, Newton's most dense and socioeconomically diverse neighborhoods (north of the Mass Turnpike) continues to have tight capacity while serving a high needs student population. Thus, the Lincoln-Eliot project is a critical part of Newton's comprehensive solution for addressing K-5 capacity needs and is Newton's fourth major school building project planned after Cabot. In 2015, Newton acquired a 1934 school building in good condition on a 7-acre site (the former Aquinas Junior College). The vision for this building and large site is to conduct a major renovation to meet the needs of both the Lincoln-Eliot and preschool students. This project will relieve crowding at Lincoln-Eliot and, through redistricting, at the Horace Mann and Franklin. Newton expects to perform a cost effective renovation/addition to the building for elementary use including a wing for integrated preschool. The preschool has been part of the Lincoln-Eliot School since its inception, with a satellite location at the Ed Center as enrollment grew. The district wide integrated program currently serves 150 children in 13 classrooms, with another 100 students receiving services for needs related to autism spectrum disorder, speech/language delay, developmental delay, and other needs. Until the purchase of Aquinas, it had not been possible to begin to address the needs of the preschool population that was crowded out of Lincoln-Eliot and sited in inadequate space at the Ed Center administration building. Conditions at the Ed Center were substandard and crowded and included 9 of 12 rooms under 800SF with toilet facilities that met the bare minimum. Related ABA, speech/hearing, OT/PT, and other services for an additional 100 preschool children (beyond those enrolled the preschool classrooms) were held after morning classes, or in very limited small group treatment or instruction spaces. Total building net floor area for the integrated preschool program at the Ed Center was 11,414 nsf. The preschool was relocated to 150 Jackson Road in September 2016 to temporary space within the building while plans for a future renovation are ongoing.

**Please provide the current student to teacher ratios at the school facility that is the subject of this SOI: 21 students per teacher**

**Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI: 21 students per teacher**

**Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? YES**

**If "YES", please provide the author and date of the District's Master Educational Plan.**

Newton has developed Education Plans in conjunction with the Angier and Cabot school building projects (DiNisco Design) that document Newton's educational plan for modern school buildings that support standards for teaching and learning in the 21st century. Standards promote the education, health and well-being of all students; highly effective teaching environments, efficient operations, and anticipate future programmatic change while maintaining standards of performance and reliability.

**Is there overcrowding at the school facility? YES**

**If "YES", please describe in detail, including specific examples of the overcrowding.**

By the time Cabot is complete in September 2019, Newton will have made substantial progress in the first five years of its long-range plan to address overcrowding and inadequate facilities of its elementary schools. With the completion of Angier and Zervas, as well as successful redistricting approved in September 2015, Newton is able to ease crowding at six other schools on Newton's south side. The Cabot project, in partnership with the MSBA, located just south of the Mass Pike, will correct deficiencies and overcrowding at Newton's second oldest and most needy school. Redistricting plans for Cabot, which will have expanded capacity of four classrooms, are underway and have the goal of easing crowding at adjacent schools including Mason-Rice, Ward, and Underwood, and Horace Mann. Also, students from new residential development in the Washington Street corridor, where three major projects active currently, will be assigned to Cabot.

However, the Newton neighborhoods north of the Mass. Pike where there is the highest density and greatest socioeconomic diversity are all enrolled at or above capacity and are served by inadequate facilities. The Lincoln-Eliot project is a critical part of Newton's comprehensive solution for addressing K-5 capacity needs and is Newton's fourth major school building project planned after Cabot. Newton's most crowded schools include the Lincoln-Eliot, Horace Mann and Franklin school districts. Since 2004, Lincoln-Eliot has had population growth of 43%, the largest enrollment increase experienced at any elementary school. Horace Mann to the immediate west is enrolled at capacity in a facility that is reliant on modular classrooms. The building is inadequate, is not accessible, lacks space for small group instruction, music, art, cafeteria, or special education. Franklin to the immediate west of Horace Mann, with 12% enrollment growth since 2004, is currently overcrowded and dependent upon a sub-standard kindergarten wing and several basement spaces never intended to be used as instructional spaces. Horace Mann and Franklin are Newton's next highest priorities on the long-range plan, after Cabot and Lincoln-Eliot.

Further, since space limitations disproportionately impact high needs students (who benefit from small group instruction), Lincoln-Eliot has been disproportionately impacted with its higher than average special education (18%), economically disadvantaged (22%) and ELL student population (21%). Combined, Lincoln-Eliot has 52% of its student population in a 'high needs' category. While elementary growth has stabilized around 5,800 students in the past several years and the Angier, Zervas and Cabot projects add capacity, there is not sufficient added capacity to address issues on Newton's north side.

As the K-5 population grew, many schools, already aging with outmoded designs, became severely overcrowded. Adding the needed classrooms across the district to accommodate the growth resulted in extensive use of re-purposed and substandard spaces within buildings to deliver the full inclusive educational program. Converted basement and storage spaces and non-traditional spaces were put into service to meet the demands for core classroom spaces as enrollment grew in all of Newton's 15 elementary schools. Crowding also drove significant reliance upon modular classrooms. Newton's use of temporary space, by 2013, would include 30 modular units, comprising 11% of its total stock of elementary full-sized classrooms.

Education of high needs students is not fully provided for within the regular classroom and students receive targeted instruction in small groups. Each classroom corridor is lined with small tables used for small group instruction. Teachers must carry materials to these areas and set up cuts into instructional time. Small group instruction in literacy, math, reading, and sheltered English also occurs in substandard former storage, office or alcove spaces lacking windows and ventilation. Aides use a former storage room divided with three partitions for 1:1 pull outs for students with medical/nutrition needs or ASD students requiring stimulation breaks. Title I support and supplemental small group

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instruction for economically disadvantaged children is provided in a blind corridor by a mechanical room with no heat source. Literacy materials are stored in the same blind corridor. Title I math instruction occurs in a hallway. Language support for English learners is housed in a small room, divided by a partition, and shared by two teachers. Overcrowding has a direct impact on learning and instructional best practices.

**Has the district had any recent teacher layoffs or reductions?** YES

**If "YES", how many teaching positions were affected?** 11

**At which schools in the district?** Elementary Schools

**Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).**

The FY18 budget reduced Library Teachers by a fractional FTE (from .2FTE to .4FTE depending upon school size) at 15 elementary schools. The FY17 budget did not contain staff reductions.

**Has the district had any recent staff layoffs or reductions?** YES

**If "YES", how many staff positions were affected?** 2

**At which schools in the district?** Elementary and K-8 Districtwide

**Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).**

Curriculum Coordinators (fractional reductions in 3 positions totaling 1.0 FTE) and Assistant Principals (1.1 FTE positions at three schools) were reduced in the FY18 budget.

**Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.**

Library access for students was not impacted by the change in Library Teacher Specialist staffing; library administration was reduced. Curriculum Coordinator reductions in K-8 were covered by other staff. Part-time Assistant Principals had been in place at Newton's larger elementary schools but are not currently being utilized while the district determines the best method for supplementing administration in schools with larger student populations.

**Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities).**

Newton's FY18 School Committee Approved Budget is \$219,436,486, or \$8.2 million (4%) greater than FY17. The budget process began in November 2016 with the approval by the School Committee of the FY18 Budget Guidelines. As suggested by the budget guidelines, the budget process involves a comprehensive review by district and school administrators of existing and proposed school functions, planning for adjusted costs and future changes or new educational initiatives. The budget process culminates in a public presentation by the Superintendent, public meetings for review specific areas of the budget, public hearings, a school committee straw vote and a final vote of approval. Following the Newton Public Schools' process, the budget is presented to the City Council, reviewed and voted by that body in conjunction with the approval of Newton's operating and capital annual budgets. The FY18 budget contained limited reductions to teacher positions and other staff at elementary and middle school grade levels. Key challenges as outlined in the Newton School Committee's FY18 Approved Budget document included closing a budget gap caused by higher than average increased costs in pupil transportation, health insurance and technology infrastructure, as well as one-time expenses associated with water quality at one school building and additional repairs needed to relocate Newton's integrated preschool program. The FY18 budget continues to support Newton Public Schools core mission to meet the diverse educational, social and emotional needs of all students while narrowing the achievement gap, promoting critical thinking skills, providing mental health supports, and sustaining teacher professional development and collaboration. FY18 budget priorities also maintain the on-going maintenance of buildings and expand in-district special education facilities and programs.

## General Description

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**BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).**

Lincoln-Eliot is 51,074 gross square feet with 3 floors. The school, built in 1939, is located on 4 acres. The first of two additions took place in 1965 (9600 g.s.f) and included 4 classrooms, a large kindergarten, and an all-purpose indoor play area. A second addition of 15,674 g.s.f. was added in 1975 when a larger gym was built with 5 classrooms above, replacing the former indoor play area with a cafeteria. The HVAC system is steam and hot water by natural gas, with one original oil boiler and one new boiler. The older oil boiler is 51 years old and no longer functions. The building houses the elementary school students and traditionally hosted four classrooms of the district's integrated preschool program. Due to enrollment growth over the preceding ten years, as of 2016, the preschool classrooms were phased out of the building and relocated first to the Ed Center and ultimately to the former Aquinas building at 150 Jackson Road. Lincoln-Eliot is overcrowded and, as a result of the disparate construction methodologies, has the most inefficient building layout in the school system with a net-to-gross area ratio of 1.95. The mechanical system components original to the building have exceeded their useful life and are failing at a rate that consistently require repairs. Plumbing fixtures are original and are not water conserving.

A school building security project was implemented in 2009, funded through a Homeland Security Grant. Electronic access card readers and integrated intercom access control exterior doors. All appropriate staff persons have electronic access via photo badge identification. Access to the building is secure and records of access on a dedicated network server.

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**TOTAL BUILDING SQUARE FOOTAGE: Please provide the original building square footage PLUS the square footage of any additions.**

51074

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**SITE DESCRIPTION: Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).**

The school, built in 1939, is located on 4 acres and bounded on three sides by Pearl Street, Jackson Road and, at a higher elevation, Waban Street. Boyd Park on Jackson Road serves as the northern boundary of the site. Additions/renovations took place in 1965 and 1975. The parking area is bituminous concrete, with granite and concrete curbs in fair condition. There is moderate deterioration of the surface in this area. Concrete sidewalks are on perimeter and there is a concrete walk and granite stairs at the main entrance. This entrance is not ADA compliant. Stair concrete is in fair condition. The path from the school to the playground is in fair condition, but is not ADA compliant. Fields are turf with a skinned base area servicing both baseball and soccer. There are mature trees at the front of the school and on the slope by the play area and turf. The steel play structure is in good condition; steel swings are in fair condition. The structure is ADA compliant, but the swings are not. There is a bituminous concrete paved area by the play area and basketball court. Recycled composite benches are located by the play area, but are not accessible in some locations. A chain link fence is at the perimeter, and there is a basketball court, and parking area. There are floodlights on utility poles in the parking area, newer floodlights on the building, but exterior door lights are in poor condition. The original 1939 building with two separate additions creates a large footprint on the site and there are no options for further expansion or space upgrades to the building.

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**ADDRESS OF FACILITY: Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)**



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Lincoln-Eliot Elementary School is located at 191 Pearl Street, Newton MA , 02458 The site is located in the village of Nonantum, located in the northeast corner of Newton, sharing boundaries with Watertown and Brighton.

**BUILDING ENVELOPE: Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).**

There are three types of roofing on Lincoln-Eliot. A slate pitched roof with a wooden cupola is in good condition. The two flat roofs associated with the above stated additions are tar and gravel, and ballasted EPDM. Gutters and leaders are 1975 vintage. The flat roofs have no considerable active leaks, and the flashing and curbs are in good condition. Exterior walls are load-bearing masonry with concrete sills and stone detailing. There are some minor cracks and staining at the masonry, and rusting at the original lintels. The brick veneer has concrete at floor elevations; slate sills were added in 1965; and the painted CMU wall was added in 1975. Windows replaced in 1989 in the original structure are aluminum with thermal break and thermal glazing, both fixed and single-hung operable. Many balances have failed and are hard to operate. Windows at the 1965 building are steel-frame, single-pane casement windows with metal louvers. They are in poor condition with aging Lexan replacement glazing that has become opaque. Doors are aluminum with pebble fiberglass panels and are in good condition, but the hardware is not ADA compliant. Exterior steps are granite and concrete with a concrete ramp that is deteriorating. Railings are painted, steel pipe with rusted rail supports and are not code compliant. There are no structural concerns.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES**

**Year of Last Major Repair or Replacement:(YYYY) 2006**

**Description of Last Major Repair or Replacement:**

Repairs have been made, as required, particularly masonry and repointing work was done to 1975 addition.

**Roof Section A**

**Is the District seeking replacement of the Roof Section? YES**

**Area of Section (square feet) 9536**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Section A is the original 1939 building. Roof type is slate. The roof is a four-sided hip style slate roof. There is a wood cupola at the center of the hip that is similarly roofed with slate. Flashing and drip edge are copper.

**Age of Section (number of years since the Roof was installed or replaced) 80**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

No repairs have been made in the last three years.

**Roof Section B**

**Is the District seeking replacement of the Roof Section? YES**

**Area of Section (square feet) 5700**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Section B is the 1965 addition. Type of roof is ballasted EPDM. This is a flat roof with exhaust fan penetrations by curb, interior building drain system, and sloped at the roof edge.

**Age of Section (number of years since the Roof was installed or replaced) 52**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

No repairs have been made in the last three years.

**Roof Section C**

**Is the District seeking replacement of the Roof Section? YES**

**Area of Section (square feet) 8625**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Section C is the 1975 addition. Type of roof is: hot mopped asphalt, ballasted. This is a flat roof with exhaust fan curb penetrations, lead flashing at building intersections, interior building drain system, and sloped at the roof edge.

**Age of Section (number of years since the Roof was installed or replaced) 44**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

No repairs have been made in the last three years.

**Roof Section D**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section E**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section F**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section G**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section H**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section I**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section J**

**Is the District seeking replacement of the Roof Section?**

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Window Section A**

**Is the District seeking replacement of the Windows Section? YES**

**Windows in Section (count) 82****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Section A is the original main building and the type is: double hung, thermopane

**Age of Section (number of years since the Windows were installed or replaced) 31****Description of repairs, if applicable, in the last three years. Include year of repair:**

A few windows were replaced in 2012, but none in the last three years beyond glazing repairs for broken glass.

**Window Section B****Is the District seeking replacement of the Windows Section? YES****Windows in Section (count) 66****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Section B is the 1965 addition. Type is : single glass, steel casement windows w/cranks, 1/8" single pane glass. Over earlier years, glass has been replaced in many windows with Lexan.

**Age of Section (number of years since the Windows were installed or replaced) 52****Description of repairs, if applicable, in the last three years. Include year of repair:**

Since 2012, a moderate amount of glass has been replaced in these windows. In summer 2017, 44 cloudy Lexan panes were replaced with single pane glass in 5 classrooms and exterior wall of the adjacent hallway.

**Window Section C****Is the District seeking replacement of the Windows Section? YES****Windows in Section (count) 192****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Section C is the 1975 addition. Type is: (100) are fixed 1/4", (71) are fixed 1/8" glass single pane glass windows, (21) are 1/8" glass Hopper Style single pane glass windows.

**Age of Section (number of years since the Windows were installed or replaced) 44****Description of repairs, if applicable, in the last three years. Include year of repair:**

Many windows have been replaced since 2012. Over earlier years glass has been replaced in many window frames with Lexan.

**Window Section D****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section E****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section F****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section G****Is the District seeking replacement of the Windows Section?**

**Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section H****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section I****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Window Section J****Is the District seeking replacement of the Windows Section?****Windows in Section (count)****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))****Age of Section (number of years since the Windows were installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**

The heating system is a combination of steam and hot water fueled by natural gas. One new steam boiler was installed in 2013. A remaining steam boiler is non-functional. The waterside distribution system components and piping (c. 1975) are compromised, requiring constant monitoring and repair. New electronically controlled unit ventilators were installed in most classrooms in 2014. No upgrades to pneumatic controls, piping supply/return, or steam to water conversion were performed. As constituted, the heating system is a hybrid of systems that requires substantial resources to maintain. Plumbing is original and in generally poor condition. The majority of fixtures are not ADA compliant. Supply and drain piping is deteriorating and reaching its useful life expectancy. There is no fire suppression system. Electrical service is 800A, 3 phase, 4 wire, 120/280V and is nearing forty one years old, as are the circuit breaker panel boards and conduit with wire feeders. There is an indoor gas generator in the boiler room that serves corridor and stair lighting. There are insufficient working clearances, and it is located in a room that is not 2 hour fire rated. Minor repairs have been made to exhaust units and boiler room plumbing.

**Boiler Section 1****Is the District seeking replacement of the Boiler? YES****Is there more than one boiler room in the School? YES****What percentage of the School is heated by the Boiler? 100****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

natural gas

**Age of Boiler (number of years since the Boiler was installed or replaced) 4****Description of repairs, if applicable, in the last three years. Include year of repair:**

Minor tune ups have been needed. This boiler was installed in 2013 as part of the City's Capital Improvement Plan. This is currently the only operating boiler. It was installed in accordance with accepted engineering principals and the regulations set forth by the Commonwealth of Massachusetts Department of Public Safety.

**Boiler Section 2****Is the District seeking replacement of the Boiler?** NO**Is there more than one boiler room in the School?** YES**What percentage of the School is heated by the Boiler?** 0**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

oil

**Age of Boiler (number of years since the Boiler was installed or replaced)** 53**Description of repairs, if applicable, in the last three years. Include year of repair:**

This boiler was installed in 1965 and is no longer operational and requires replacement.

**Boiler Section 3****Is the District seeking replacement of the Boiler?****Is there more than one boiler room in the School?****What percentage of the School is heated by the Boiler?****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)****Age of Boiler (number of years since the Boiler was installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Boiler Section 4****Is the District seeking replacement of the Boiler?****Is there more than one boiler room in the School?****What percentage of the School is heated by the Boiler?****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)****Age of Boiler (number of years since the Boiler was installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Boiler Section 5****Is the District seeking replacement of the Boiler?****Is there more than one boiler room in the School?****What percentage of the School is heated by the Boiler?****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)****Age of Boiler (number of years since the Boiler was installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Boiler Section 6****Is the District seeking replacement of the Boiler?****Is there more than one boiler room in the School?****What percentage of the School is heated by the Boiler?****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)****Age of Boiler (number of years since the Boiler was installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Boiler Section 7****Is the District seeking replacement of the Boiler?****Is there more than one boiler room in the School?****What percentage of the School is heated by the Boiler?****Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)****Age of Boiler (number of years since the Boiler was installed or replaced)****Description of repairs, if applicable, in the last three years. Include year of repair:****Boiler Section 8****Is the District seeking replacement of the Boiler?**

**Is there more than one boiler room in the School?**

**What percentage of the School is heated by the Boiler?**

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

**Age of Boiler (number of years since the Boiler was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Boiler Section 9**

**Is the District seeking replacement of the Boiler?**

**Is there more than one boiler room in the School?**

**What percentage of the School is heated by the Boiler?**

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

**Age of Boiler (number of years since the Boiler was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Boiler Section 10**

**Is the District seeking replacement of the Boiler?**

**Is there more than one boiler room in the School?**

**What percentage of the School is heated by the Boiler?**

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

**Age of Boiler (number of years since the Boiler was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Has there been a Major Repair or Replacement of the HVAC SYSTEM? YES**

**Year of Last Major Repair or Replacement:(YYYY) 2014**

**Description of Last Major Repair or Replacement:**

Twenty-six new stand-alone DDC unit ventilators were installed in classrooms. These are both steam and hot water units with electronic controls, valves, and dampers.

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? YES**

**Year of Last Major Repair or Replacement:(YYYY) 1978**

**Description of Last Major Repair or Replacement:**

Replacement and upgrades were made when the 1975 addition was built. And some additional equipment was replaced between 1976 and 1978.

**BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).**

Partitions are glazed CMU with painted plaster above at the corridors. Other walls are painted plaster in the 1939 building. At least 1/3 of the door surrounds are not accessible. In the 1965/1975 building there is painted CMU, painted gypsum wallboard with vinyl base, and operable classroom walls in the 1975 building. Floors are VAT, carpet, and VCT in fair condition. Ceilings are 2x4 ACT, 2x2 ACT and 1x1 ACT. The 1x1 is in poor condition. Doors are solid wood core with wire glass in painted metal frames, in good condition in the newer buildings, but in poor condition in the 1939 building. At the 1965 stair, the door swings open into the path of travel. Hardware throughout is not accessible. Interior built-in furnishings, in fair to poor condition, are wood, metal, and plastic laminate. No hardware, sinks, or fixtures are accessible. There are coat hooks and open wood cubbies in corridors; wooden cubbies present a flammability risk. Student storage closets are in classrooms in the 1939 building, some doors are inoperable or removed. Window treatments are rolling shades with curtains at the clerestory windows in the 1975 building. Adult bathrooms are glazed CMU, painted CMU and ceramic tile with metal partitions. They are in fair condition and are not accessible. Student bathrooms are glazed CMU, painted CMU, and ceramic tile, with metal partitions. They are also in fair condition and are not accessible. The elevator in the 1939 building is sized too small, is worn, and does not meet code. Other elevators are in good condition. There are 1/2 flight lifts in good condition. Signage is paper, or none and does not meet AAB standards. The gymnasium has a wood

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athletic floor and wood backstops. Walls are painted CMU with a 2x2 ceiling. There is minimal natural light in the gym. The fire alarm system is multi-zone, and not ADA compliant. There are smoke detectors and door holders in classrooms, library, and corridors. There is a master box. Mounting height and location of some pull stations are not code compliant. There are multiple outside telephone lines and the system is currently being updated. Lighting is generally 2x2 and 2x4 recessed fluorescent and surface wrap around. The utility company has provided new energy efficient lamps and ballasts. Receptacles, in fair to good condition, are generally duplex type and are 45 years old or newer. There are keypads at specific doors. Motion detectors are in corridors and stairs. Monitor switches are on most exterior doors and there is an interior alarm, the system notifies UL Central Station. There is a push button at the front entrance with a buzzer in the main office; there is no visual of the front entry. The sound and intercom system is being upgraded. Classroom and office clocks are battery operated. Corridor and classroom speakers have bell tones. Data is present in classrooms and offices with minimal wireless coverage. Cable television outlets are located in the main office, library, and most classrooms. New bathroom flooring was installed in 2010.

**PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).**

Programs offered include:

Regular education classrooms for grades K-5

Full neighborhood inclusion

Two co-taught classes taught jointly by regular and special education teachers.

Special Education programs including, ABA, occupational/physical therapy, speech,

English Language Learners programs/sheltered English instruction

Title I grant academic assistance programs for schools serving low income students

Before school program

After school program

The district has been required to take measures so that every available space within each building can be utilized to support teaching and learning and to meet the needs of students. The Lincoln-Eliot building does not accommodate small group instruction associated with an inclusive education program required by Newton and federal and state authorities. The intensive instructional demands in serving this high need student population (52% of students are either special education, economically disadvantaged or ELL) heighten the need for the small group instruction spaces lacking at Lincoln-Eliot for special education, ELL, Title I English and math support. Because teachers work with students in substandard and overcrowded locations, the teaching and learning process can be less effective and does not fully meet the needs of students. Despite severe facility deficiencies, the full educational program, including small group instruction, is offered because of the dedication of the highly qualified Lincoln-Eliot teachers who continue to serve some of Newton's most needy students well, in a challenging physical environment.

Programs and Operations:

The following aspects of Newton's educational program are fully precluded from being offered:

- 1) Current educational best practices involve professional collaboration across disciplines and especially within grade levels. Grade level groupings of classrooms and teachers have been achieved only for one grade because of building layout and the three isolated classrooms.
- 2) Students with mobility or vision issues have been diverted to different schools because of the building's difficult access issues cause by its layout and reliance upon several elevators and staircase lift systems.
- 3) The aftercare program is limited and cannot accept all students in need.
- 4) The preschool program is limited and has been forced to relocate. The program is a district-wide program that typically has included a large percentage of children from the high need Lincoln-Eliot school district.
- 5) The building is less accessible to community education programming available in other elementary schools, although the demand is high.
- 6) Due to the undersized gym and cafeteria, school assemblies and school events for all students with their parents/families

are not available.

**EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).**

Lincoln Eliot has 18 regular classroom spaces including with an average size of 884 nsf:

1 @ 727 nsf

4 @ 768 nsf

1 @ 802 nsf

6 @ 932 nsf

5 @ 944 nsf

1 @ 993 nsf

Lincoln-Eliot is using two non-traditional classroom spaces for kindergarten and a third instructional space for a Title I small group instruction. The kindergarten classrooms are accessed from the middle of a stair landing to the lower level and at the bottom of a stair landing and in the basement. These spaces are below grade without natural light or ventilation due to inadequate transom style windows located at ceiling height that are difficult to access. One classroom has a single window that is two-stories overhead, due to the site grade. These spaces do not have typical layouts and were not intended for use as core classrooms. Incorporating space from an adjacent storage room enlarged one of the classrooms. This created an alcove that has limited functionality. Both rooms lack adjacent or nearby space for small group instruction (even a hallway).

Basement level ancillary spaces (below grade lacking ventilation and natural light) include:

Library: 1,410 nsf library shared with special education and Title I instruction. The library is L-shaped and the rear portion has small transom style windows above head level. The inner portion of the space has no windows.

Music room: 1,000 nsf former auditorium space shared with after school

Art room: 628 nsf

Gymnasium: 3,535 nsf

Cafeteria: 2,436 nsf located in middle of the basement; also serves as a main thoroughfare. The only circulation in the basement is through the cafeteria, reducing its useable space substantially.

The main office is located in the original building on the opposite end from the Pearl Street entrance. The building has three other major entrances making security and access control difficult. Newton's standards for safety, evacuation and supervision of students are difficult to maintain due to the building's layout and the resulting zones that are difficult to oversee. Newton's well-developed protocols are not sufficient at Lincoln-Eliot; the administration has had to devise complicated management systems to ensure safety and security throughout the building.

**CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).**

The facility constraints at Lincoln-Eliot to deliver the full educational program have been addressed to the extent possible by adapting spaces within the building to maximize space available for the program. Spaces have been used in non-traditional ways and programs have been put into substandard spaces including hallways, storage and basement areas. Spaces have been sub-divided for teachers and programs to share them. The district has further addressed crowding by relocating four integrated preschool classrooms from Lincoln-Eliot. The original 1939 building with two separate additions creates a large footprint on the site and there are no options for further expansion or space upgrades to the building.

Lincoln-Eliot is crowded based on the specific educational needs of its special education (18%), economically



disadvantaged (22%) and ELL students (21%) who require educational support and specialized instruction. All of these supports are provided outside of regular education classrooms and in substandard spaces that are severely limited at Lincoln-Eliot. Small group instruction for high need students in literacy, math, reading, and English learners occur in substandard former storage, office or alcove spaces lacking windows and ventilation. The population of low income and ELL students at Lincoln-Eliot is above the state average, and the population of special education students is above the average for Newton.

Of Lincoln-Eliot's 18 full-sized classroom spaces and its literacy classroom, 8 classrooms (45%) are deficient in size, function or basic suitability for education; six are less than 800 nsf; and two rooms are isolated from other classrooms. These two classrooms are used for kindergarten and accessed via stair landings and are isolated from other grade level classrooms. These spaces were not intended for use as core classrooms and, if alternate space were available, should be removed from service as full day instructional space. Lincoln-Eliot is the most inefficient school in the district for circulation and program adjacencies that are important for effective team teaching and student support for all students, but especially in a school serving high needs students.

The ancillary spaces are undersized, poorly lit and ventilated due to their basement location. The main circulation in the basement is through the cafeteria which reduces its useable space - the cafeteria tables that fit in the space do not offer adequate seating - supplemental chairs are required during lunch periods. Access to the cafeteria requires both elevator and stair lift which makes it difficult to access for students with mobility/visual needs. One corner of the cafeteria is also used for 1:1 or small group instruction when lunch is not in session. Both the art and music rooms are subdivided to share with after school, which is in high demand with a waitlist. The gym is the largest space in the building and is undersized; all-school assemblies are limited because the gym can accommodate only three grades at a time. The library has an L-shape and the front portion is used for small group instruction at the same time that library classes are held in the back. The library front area is also used for meetings and as a workspace for teachers who share rooms. The instructional technology specialist also works out of this area. The undersized health room includes one resting cot and an inadequate toilet room. The medical needs of the current student population are far in excess of those considered between 1939 and 1975. The Psychologist's office is unheated and windowless. The main office is not near a building entrance and recently has been further subdivided to add a small instructional space.

The main office is located in the original building on the opposite end from the Pearl Street entrance. The building has three other major entrances making security and access control difficult. Newton's standards for safety, evacuation and supervision of students are difficult to maintain due to the building's layout and the resulting zones that are difficult to oversee. Newton's well-developed protocols are not sufficient at Lincoln-Eliot; the administration has had to devise complicated management systems to ensure safety and security throughout the building.

Lincoln-Eliot is not fully accessible or ADA compliant, although elevators and staircase lifts have been added over time. The building has disjointed circulation caused by two different additions to the building making access issues even more difficult. Some students with wheelchairs or mobility or vision issues are placed at other schools.

---

**MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).**

Regular maintenance and preventative maintenance programs are funded annually by the district in accordance with the City of Newton's Charter Maintenance Ordinance with a funding requirement of up to 2% of the prior fiscal year budget. The schools have followed and exceeded this requirement in order to maintain its aging building stock. In addition, capital repairs are undertaken in conjunction with funding from the City of Newton's Capital Improvement Program (CIP) with financing from bonding and/or the use of free cash for one-time expenses. No capital repair projects at the Lincoln-Eliot Elementary School have required override or debt exclusion votes.

Preventative maintenance (PM) and regular repair and maintenance work orders are processed in a web-based electronic

system enabling efficiency and data gathering. Custodians receive annual training on PM procedures.

The district's PM program includes:

- Asbestos inspection every 3 years
- Boiler cleaning annually
- Elevator inspections
- Emergency generator inspections monthly
- Fire suppression testing annually
- Replacing carpet with vinyl tile
- HVAC maintenance including duct cleaning
- Infrared roof inspection
- Steam trap replacement
- Unit vent filter changes 3x/year

The district's Summer Projects program tailors repairs and improvements to each building, including items as painting, flooring, bathroom upgrades and space re-organization to meet enrollment/programmatic demands.

The City's Capital Improvement Program funds larger construction or repair projects from a plan formulated jointly with the Public Buildings Department and include includes the following types of projects district-wide.

- Construction/additions/renovations
- Accessibility improvements
- Communication system upgrades
- Large-scale masonry repairs/waterproofing
- Generators
- HVAC system, including replacement of boilers, roof top units, univents
- Energy efficient lighting installation
- Roof/gutter replacements
- Building-wide window/door replacements

The following capital projects were implemented at Lincoln-Eliot and funded by the City's capital improvement program: a new boiler, HVAC distribution upgrades and short-term payback energy efficiency measures, including steam trap replacements, attic insulation, and energy efficient lighting.

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**Priority 5**

***Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.***

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Constructed in 1939 with additions in 1965 and 1975, much of the heating distribution system is original. Piping in crawl spaces and walls is failing. Numerous highly invasive repairs to pipes have been required in last three years. The steam to hot water conversion system has failed. Pumps are single speed non-VFD requiring constant monitoring and using excessive power to operate. Plumbing fixtures are original and are not water conserving. There are no digital controls for the systems and no occupancy sensors for the lighting. The original slate roof does not meet current energy code requirements. Exterior windows have inefficient single-pane glazing. There is no vestibule at main entry. Recognizing that all of the district's older buildings are energy inefficient, the City of Newton hired a Sustainability Project Manager to oversee sustainability and energy projects throughout city and school buildings. The total number of energy conservation measures that would be needed at the Lincoln-Eliot School exceeds a reasonable investment level for a building of this age. Those that are feasible and have a quick payback are being pursued. These include attic insulation and energy efficient lighting.

**Priority 5**

***Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.***

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The heating system is a combination of steam and hot water fueled by natural gas. A new steam boiler was installed in 2013 to replace a boiler that had reached the end of its useful life and repair was no longer feasible. A remaining oil boiler is non-functional. The waterside distribution system components and piping (c. 1975) are compromised, requiring constant monitoring and repair. New electronically controlled unit ventilators were installed in most classrooms in 2014. No upgrades to pneumatic controls, piping supply/return, or steam to water conversion were performed. As constituted, the heating system is a hybrid of systems that generated high numbers of maintenance requests and requires substantial resources to maintain. Despite significant investment in the boiler replacement and unit ventilators in classrooms, heat continues to be uneven and to generate high numbers of service calls and work order requests by teachers who name heat as a top concern impacting teaching and learning.

Based on current best practices and Newton's educational mission, educational and building standards that address the reduction of energy consumption have been established as part of the facilities operations plan. In recent years, energy efficient lighting has been installed throughout the district by partnering with the NStar Lighting Rebate Program. Newton Public Schools has hired an HVAC specialist who has initiated a preventative maintenance program for the district's heating equipment. This oversight has had a direct impact on reduced energy consumption and energy expenditures while improving equipment operation and occupant comfort. In addition, the district has clear policies and procedures for reducing energy use throughout the day and evening. Heat is not turned on within school buildings until October 15 of each year. During the school day thermostats are kept at the lowest required temperatures. Staff are encouraged to arrange classroom furnishing to maximize distribution of heat. Policies are in place to shut off lights and use natural lighting whenever possible. The district periodically sends out reminders regarding these energy conservation policies.

In 2012, the City of Newton entered into a contract with Thielsch Engineering. This company has conducted an energy audit of the Lincoln-Eliot School and has reviewed the historic consumption of all utilities and calculated the available energy costs savings that will result from recommended energy conservation projects that will deliver those savings. The total number of projects that would be needed is too numerous for a building of this age. Those that are feasible and have a quick payback are being pursued. These include steam trap replacements, attic insulation, and energy efficient lighting.

**Priority 5**

***Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

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Temperatures and air quality affect student and staff comfort levels. Despite repairs and energy conservation improvements, heat continues to be uneven; some rooms are too hot; others are too cold. Ventilation is below standard and lacking in some spaces. Heat continues to be uneven and to generate high numbers of service calls and work order requests by teachers who name heat as a top concern impacting teaching and learning. Drafty single pane windows with metal frames in much of the building contribute to environmental temperature concerns. Windows are old and do not provide sufficient natural daylight. Many windows throughout the building have become discolored and opaque, obscuring natural light, due to their Lexan or thermopane material, many of which have broken seals and the glass is fogged. Some instructional spaces have many windows in this condition rendering the classroom spaces essentially windowless in terms of light and visibility. The district replaced a number of these opaque window panes in summer 2017 with single pane replacement glass. Further, many windows can not be opened to provide ventilation in mild weather. The school has too few toilet rooms for both students and staff. The building is not fully accessible or ADA compliant in many ways. Classrooms do not have the ability to adequately support the technology that is part of 21st century education. There are minimal wireless systems and no cable service. There are too few receptacles in classrooms. The phone systems are new and there are phone lines in classrooms. With the exception of telephones, all of the systems in the buildings are past their useful life affecting comfort and security as well as teaching and learning.

**Priority 5**

***Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.***

Modernization of the heating plant and distribution system to current ASHRAE standards would be a major component in extending the useful life of the building. Appropriate energy efficient controls methodologies coupled with more efficient boilers and pumps allow for better heat distribution, enhanced occupant comfort, and reduced energy loads. Similarly, required air exchange through exhaust fans, heat wheel return of conditioned air, and greater monitoring capabilities aid in extending the useful life. There is an opportunity cost in this scenario whereby other facility systems must compete for dollars. Heating system emergencies take a high priority over other maintenance concerns. Heating system upgrades will reduce the operating cost and allow those dollars to be spent on preventative maintenance and other types of facility improvements. In 2006 Lincoln-Eliot School converted its heating from oil to natural gas, which allows for cleaner emissions and fewer maintenance needs.

Modernization of the electrical system would need to be performed to effect the desired HVAC improvements. In addition, an increase in the load for convenience outlets, new Integrated Technology spaces and equipment, and food service would be required to extend the useful life of the building. The upgrade to life safety systems incorporated in a homogenous electrical upgrade would also impact useful life.

**Please also provide the following:**

**Have the systems identified above been examined by an engineer or other trained building professional?:**  
YES

**If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters):**

HMFH Architects Inc. Long-Range Facilities Master Plan 2007, updated 2011.

**The date of the inspection:** 11/1/2011

**A summary of the findings (maximum of 5000 characters):**

Lincoln-Eliot building condition ratings:

Overall Building Condition composite rating - Fair condition with renovation or replacement required

Individual systems ratings:

Mechanical - Poor condition with replacement required

Electrical - Fair condition with repairs or replacement required

Plumbing/Fire - Poor condition with replacement required

Site condition - Good condition with minor repairs required

**Priority 7**

***Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.***

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There is a critical need to redress severe Lincoln-Eliot facility issues caused by age, condition, limited educational program capacity and crowding. The building is rated by HMFH in 2007 and 2011 as needing renovation or replacement due both to the building condition and the ability of the building to support the educational program. With an overall facility condition rating of fair, HMFH rated individual building mechanical and plumbing systems as poor (requiring replacement) and electrical systems are fair (requiring repairs or replacement) and site conditions as good (with minor repairs required). The rating of Lincoln-Eliot's educational space needs as requiring renovation or replacement were based on current educational standards, enrollment capacity and actual and projected enrollment. Since 2011, enrollment growth has further constrained Newton's ability to deliver the full educational program in the building. While enrollment is currently projected to be stable in the next five years, the facility remains limited to serve a high need student population and there are instructional spaces in use that are substandard.

Education of high needs students is not fully provided for within the regular classroom and students receive targeted instruction in small groups. Thus, under-sized or sub standard regular education classrooms and a lack of other educational spaces disproportionately impacts special education students, economically disadvantaged students or students who are English learners (52% of the Lincoln-Eliot student population).

The district has been required to take measures so that every available space within each building can be utilized to support teaching and learning and to meet the needs of students. The Lincoln-Eliot building does not accommodate small group instruction associated with an inclusive education program required by Newton and federal and state authorities. The intensive instructional demands in serving this high need student population bring even more pressure to provide the small group instruction spaces lacking at Lincoln-Eliot for ELL, Title One and special education. Because teachers work with students in substandard and crowded locations, the teaching and learning process can be less effective and may not fully meet the needs of students. Despite severe facility deficiencies, the full educational program, including small group instruction, is offered because of the dedication of the highly qualified Lincoln-Eliot teachers who continue to serve some of Newton's most needy students well in a difficult environment.

The following aspects of Newton's educational program are fully precluded from being offered:

- 1) Current educational best practices involve professional collaboration across disciplines and especially within grade levels. Grade level groupings of classrooms and teachers have been achieved only for two of five grade because of building layout and two isolated classrooms.
- 2) Students with mobility or vision issues have been diverted to different schools because of the building's difficult access issues caused by its layout and reliance upon several elevators and staircase lift systems.
- 3) The aftercare program is limited and cannot accept all students in need.
- 4) The preschool program is limited and has been forced to relocate. The program is a district-wide program that typically has included a large percentage of children from the high need Lincoln-Eliot district.
- 5) The building is less accessible to community education programming available in Newton's elementary schools.
- 6) Due to the undersized gym and cafeteria, all school assemblies and school events for students with parents are not available.

**Priority 7**

***Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.***

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The facility constraints at Lincoln-Eliot to deliver the full educational program have been addressed to the extent possible by adapting spaces within the building to maximize space available for the program. Spaces have been used in non-traditional ways and programs have been put into substandard spaces including hallways, storage and basement areas. Spaces have been subdivided enabling teachers and programs to share them.

The district has further mitigated facility issues and lack of space for the program by relocating the integrated preschool classrooms from Lincoln-Eliot to the Education Center where conditions are also substandard and overcrowded with only 11,414 nsf available for preschool programming for 250 children. The original 1939 building with two separate additions creates a large footprint on the site and there are no options for further expansion or space upgrades to the building.

Lincoln-Eliot is an obsolete building that requires addition/renovation or replacement in order to deliver the state and local required elementary program. Newton has secured the Aquinas site located 0.2 miles from the current Lincoln-Eliot building; this is a preferred site for an elementary school where a cost effective renovation/addition to the main academic wing and cafeteria/arts wing of the building is anticipated to be feasible and cost effective. Not counting a third wing which was a former convent, Aquinas is a 75,161gsf building that has more than 51,000nsf available for an elementary educational program according to MSBA standards. Moreover, the former convent wing of building adds 26,500 gsf and will allow for a permanent preschool space to remedy severe space deficits at Newton's integrated preschool program. Preschool parents, teachers and administrators have been concerned about the preschool program space constraints, but until the purchase of Aquinas, the district had not been able to begin to adequately address those needs.

Newton is currently investing in the Aquinas building. Windows and caulking have been replaced in the main academic wing to remediate environmental conditions. This step was necessary to allow the educational use of the building once again as a temporary location for the preschool beginning in 2016-17. The Education Center has no additional space available in what is a highly programmed building that houses district administration, professional development functions, information technology and two alternative high school programs.



**Priority 7**

***Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

Lincoln-Eliot was built in an historical era for a different educational program than the fully inclusive program offered today in Newton. Today, as a result of the Individual with Disabilities Education Act (IDEA), all children are entitled to free and public education in the least restrictive environment possible. Over the years classrooms and other spaces were converted to accommodate current educational needs and requirements. When built, Newton schools did not have special education programs in neighborhood schools. Also, educational needs in the 21st century are significantly different from early in the 20th century when children went home for lunch, kindergarten was a half-day, no after school programs existed, nor was there dedicated space for art and music instruction and handicapped access standards were yet to come. Newton has taken significant measures to mitigate what is an obsolete building including two major additions and innumerable small-scale internal renovations since 1975.

Of Lincoln-Eliot's 18 full-sized classroom spaces and its literacy classroom, 8 classrooms (45%) are deficient in size, function or basic suitability for education; six are less than 800 nsf; and three rooms are isolated from other classrooms. One of these three spaces is a converted basement storage area below grade without natural light or ventilation with one small casement window located 10ft above. The other two classrooms are used for kindergarten and accessed via stair landings and are isolated from other grade level classrooms. None of these spaces were intended for use as core classrooms and, if alternate space were available, should be removed from service as instructional space. Lincoln-Eliot is the most inefficient school in the district for circulation and program adjacencies that are important for effective team teaching and student support for all students, but especially in a school serving high needs students.

The ancillary spaces are undersized, poorly lit and ventilated due to their basement location. The main circulation in the basement is through the cafeteria which reduces its useable space - the cafeteria tables that fit in the space do not offer adequate seating - supplemental chairs are required during lunch periods. Access to the cafeteria requires both elevator and stair lift which makes it difficult to access for students with mobility/visual needs. One corner of the cafeteria is also used for 1:1 or small group instruction when lunch is not in session. Both the art and music rooms are subdivided to share with after school, which is in high demand with a wait list. The gym is the largest space in the building and is undersized; all-school assemblies are limited because the gym can accommodate only three grades at a time. The library has an L-shape and the front portion is used for small group instruction at the same time that library classes are held in the back. The library front area is also used for meetings and as a work space for teachers who share rooms. The instructional technology specialist also works out of this area. The undersized health room includes one resting cot and an inadequate toilet room. The medical needs of the current student population are far in excess of those considered between 1939 and 1975. The Psychologist's office is unheated and windowless. The main office is not near a building entrance and recently has been further subdivided to add a small instructional space.

The main office is located in the original building on the opposite end from the Pearl Street entrance. The building has two other major entrance points that are difficult to effectively and securely manage. Circulation to the main office from the main entrance and the two other building entrances is challenging both from an ADA/access and security perspective. Newton's standards for safety, evacuation and supervision of students are difficult to maintain due to the building's layout and the resulting zones that are difficult to oversee. Newton's well-developed protocols are not sufficient at Lincoln-Eliot; the administration has had to devise complicated management systems to ensure safety and security throughout the building.

Lincoln-Eliot has the highest special populations in Newton and exceeds the state average for students defined as high needs due to their special education needs (18%), low income status (22%) or limited English proficiency (21%). The needs of these students are not fully provided for within the regular education classroom and students receive targeted instruction in small groups. Small group instruction for high need students in literacy, math, reading, and sheltered English occur in substandard former storage, office

or alcove spaces lacking windows and ventilation.

To provide small group instruction, teachers and staff work in substandard space and have insufficient workspace for planning and preparation. Aides use a former storage room divided with three partitions for 1:1 pullouts for students who have significant special needs. Lincoln-Eliot provides Title I teaching support and supplemental small group instruction for needy children. Title I literacy aides share a blind corridor end by a mechanical room with no heat source. Literacy materials are stored in the same blind corridor. Title I math instruction occurs in a hallway. Language support for English learners happens in a small room, divided by a partition, shared by two teachers. The learning center teacher supports students in a small room shared with the inclusion facilitator.

Lincoln-Eliot is not fully accessible or ADA compliant, although elevators and staircase lifts have been added over time. The building has disjointed circulation caused by two different additions to the building making access issues even more difficult. Some students with wheelchairs or mobility or vision issues are placed at other schools.

Implementation of instructional technology is constrained in the building because of inadequate electric receptacles in classrooms. Wireless upgrades have helped the district make progress in the inadequately hard-wired building, but wireless is weak in many areas due to building configuration and layout.

## REQUIRED FORM OF VOTE TO SUBMIT AN SOI

### REQUIRED VOTES

If the SOI is being submitted by a City or Town, a vote in the following form is required from both the City Council/Board of Aldermen **OR** the Board of Selectmen/equivalent governing body **AND** the School Committee.

If the SOI is being submitted by a regional school district, a vote in the following form is required from the Regional School Committee only. **FORM OF VOTE** Please use the text below to prepare your City's, Town's or District's required vote(s).

### FORM OF VOTE

Please use the text below to prepare your City's, Town's or District's required vote(s).

Resolved: Having convened in an open meeting on \_\_\_\_\_, prior to the closing date, the \_\_\_\_\_ *[City Council/Board of Aldermen, Board of Selectmen/Equivalent Governing Body/School Committee]* of \_\_\_\_\_ *[City/Town]*, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated \_\_\_\_\_ for the \_\_\_\_\_ *[Name of School]* located at \_\_\_\_\_ *[Address]* which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future

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\_\_\_\_\_ ; *[Insert a description of the priority(s) checked off on the Statement of Interest Form and a brief description of the deficiency described therein for each priority];* and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

**CERTIFICATIONS**

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and attached hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

**Chief Executive Officer \***      **School Committee Chair**      **Superintendent of Schools**

\_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(signature)

Date

Date

Date

\* Local Chief Executive Officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#172-18  
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March 5, 2018

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

RECEIVED  
NEWTON CITY CLERK  
2018 MAR -5 PM 2:55  
DAVID A. OLSON, CMC  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to transfer the sum of \$500,000 from June 30, 2017 Certified Free Cash to the following accounts for Snow/Ice removal.

DPW Personnel Costs – Overtime – Acct # 0140110-513001	\$150,000
DPW Rental Vehicles (Contractors) – Acct# 0140110-5273	\$350,000

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

**City of Newton  
Purchasing  
Department**

**To:** Finance Committee, Newton City Council  
**From:** N. Read, Chief Procurement Officer  
**Date:** March 12, 2018  
**Re:** Procurement of Services: Architects, Engineers and Related Professionals

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This memo sets forth the legal requirements applicable to the City of Newton when it procures architectural, engineering or related services which are not connected with building construction.

Such services when procured in connection with building construction are provided by firms referred to generically as designers, a term that is used to describe “individuals or firms hired to do the architectural and engineering planning and design for a project.” Office of the Inspector General, *Designing and Constructing Public Facilities* (9<sup>th</sup> ed.)(11/16), p. 11. Services that relate to building construction with architectural fees greater than \$10,000 and construction greater than \$100,000 are governed by the Designer Selection Law, M.G.L. c.7C, §§44-47.<sup>1</sup>

Architectural and engineering services not subject to the Designer Selection Law are still services. The City’s procurement of such services would therefore be subject to M.G.L. c. 30B, unless exempted.

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<sup>1</sup> The City’s Ordinances also call for the creation of a Designer Selection Committee (Ordinances §§5-35 to 5-37) and a Design Review Committee (Ordinances §§5-54 to 5-58), but their activities relate to building construction only.

Certain supplies and services are expressly exempt by statute from the c. 30B procurement requirements. Contracts subject to the Designer Selection Law just mentioned are exempt. M.G.L. c. 30B, §1(b)(2).

Also exempted are “contracts with architects, engineers and related professionals.” M.G.L. c. 30B, §1(b)(32A). Each of these terms is defined.

“Architect and engineer” is defined as

"Architect and engineer", (i) a person performing professional services of an architectural or engineering nature, as defined by law, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described herein; (ii) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, investigations, inspections, tests, evaluations, consultations, program management, value engineering, construction, alteration, or repair of real property; and (iii) such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions and individuals in their employ may logically or justifiably perform, including studies, investigations, surveying and mapping, soil tests, construction phase services, drawing reviews, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, soils engineering, cost estimates or programs; preparation of drawings, plans, or specifications, supervision or administration of a construction contract, construction management or scheduling, preparation of operation and maintenance manuals and other related services.

M.G.L. c. 30B, §2.

“Related professionals” is defined as

professionals engaged in professional services, including land surveying, landscape architecture, environmental science, planning and licensed site professionals, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described herein, including professional services performed by contract that are associated with research, planning, development, design, investigations, inspections, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, value engineering, construction, alteration or repair of real property and such other professional services or incidental services which members of the related professions and individuals in their employ may logically or justifiably perform, including master plans, studies, surveys, soil tests, cost estimates or program, preparation of drawings, plans or specifications, supervision or administration of a construction contract, construction management or scheduling, conceptual designs, plans and specifications, construction phase services, soils engineering, drawing reviews, cost

estimating, preparation of operation and maintenance manuals and other related services; provided, however, that nothing herein shall be construed to constitute regulation or oversight of any designated firms or identified professional services.

*Id.* (emphasis added). The rationale for these exemptions is that the selection of professional services is usually based on quality rather than price. Hence there are exemptions also for lawyers and accountants (M.G.L. c. 30B, §1(b)(15)), as well as all medical professionals (M.G.L. c. 30B, §1(b)(16)).



**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title III** LAWS RELATING TO STATE OFFICERS

**Chapter** UNIFORM PROCUREMENT ACT  
**30B**

**Section 1** APPLICATION OF CHAPTER

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Section 1. (a) This chapter shall apply to every contract for the procurement of supplies, services or real property and for disposing of supplies or real property by a governmental body as defined herein.

(b) This chapter shall not apply to:

(1) a contract subject to the provisions of section thirty-nine M of chapter thirty, section 11C or section 11I of chapter 25A or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine;

(2) a contract subject to the provisions of sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven;

(3) an intergovernmental agreement subject to the provisions of section four A of chapter forty;

(4) a transaction with the commonwealth, except as pertains to subsection (i) of section 16;

(5) a contract for the purchase of materials, under specifications of the state department of highways, and at prices established by the department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of chapter eighty-one or chapter ninety;

(6) a contract for the advertising of required notices;

(7) an agreement between agencies, boards, commissions, authorities, departments or public instrumentalities of one city or town;

(8) an agreement for the provision of special education pursuant to chapter seventy-one B and regulations promulgated pursuant thereto;

(9) a contract to purchase supplies or services from, or to dispose of supplies to, any agency or instrumentality of the federal government, the commonwealth or any of its political subdivisions or any other state or political subdivision thereof;

(10) the issuance of bonds, notes or securities in accordance with procedures established by law;

(11) contracts and investments made in accordance with sections fifty-seven or fifty-seven A of chapter thirty-five or sections sixty-seven or sixty-seven A of chapter forty-four;

(12) a contract for the procurement of insurance or surety bonds, including an agreement subject to the provisions of sections one to sixteen, inclusive, of chapter forty M or the provisions of sections twenty-five E to twenty-five U, inclusive, of chapter one hundred and fifty-two;

(13) contracts for the services of expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof;

(14) any contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board, as defined by <sup>#153-18</sup> section fifty-five of chapter one hundred and sixty-four or by a municipal light commission, as defined by section fifty-six A of said chapter one hundred and sixty-four; provided, however, that any such board or commission may accept the provisions of this chapter by a majority vote of its members;

(15) contracts with labor relations representatives, lawyers, or certified public accountants;

(16) contracts with physicians, dentists, and other health care individuals or persons including nurses, nurses' assistants, medical and laboratory technicians, health care providers including diagnosticians, social workers, psychiatric workers, and veterinarians;

(17) a contract for snow plowing by a governmental body;

(18) a contract or lease by a governmental body of its boat slips, berths, or moorings;

(19) a contract for retirement board services; provided, however, that the procurements shall take place under section 23B of chapter 32;

(20) a contract which is funded by proceeds derived from a gift to a governmental body or a trust established for the benefit of a governmental body;

(21) a contract for the towing and storage for motor vehicles;

(22) a contract to provide job-related training, educational or career development services to the employees of a governmental body;

*[ Clause (23) of subsection (b) effective until November 7, 2016. Deleted by 2016, 218, Sec. 5.]*

- (23) a contract pursuant to which a governmental body obtains services from a bank, as defined in section one of chapter one hundred and sixty-seven, subject to the maintenance of a compensating balance;
- (24) a contract for ambulance service by a governmental body;
- (25) a contract to sell lease or acquire residential, institutional, industrial or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of said real property in accordance with a plan approved by the appropriate authorizing authority;
- (26) a contract for the collection of delinquent taxes or for the services of a deputy tax collector;
- (27) contracts or agreements entered into by a municipal hospital or a municipal department of health;
- (28) contracts entered into by a governmental body on behalf of a hospital owned by such governmental body where such contract is funded by expenditures from an operations account, so-called, or a special account, established pursuant to a special act that is maintained for the benefit of and designated with the name of such hospital;
- (29) any contracts, agreements or leases entered into by a municipal airport commission established under the provisions of section fifty-one E of chapter ninety; provided, however, that such contracts, agreements or leases apply to aviation uses or the sale of aviation fuel;
- (30) a contract for the collection, transportation, receipt, processing or disposal of solid waste, recyclable or compostable materials;
- (31) an agreement for the purchase of photography services entered into by a public school;

(32) energy aggregation contracts entered into by a political subdivision of the commonwealth for energy or energy related services arranged or negotiated by such subdivision on behalf of its residents;

(32A) contracts with architects, engineers and related professionals;.

(33) energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the commonwealth, for energy or energy related services; provided, however, that within 15 days of the signing of a contract for energy or energy related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of public utilities, the department of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract; provided, further, that for any such contract determined to contain confidential information under subclause (r) of section 7 of chapter 4, the governmental body shall instead maintain a record of the procurement processes and awards for 6 years after the date of the final payment. The governmental body shall make such records available to the inspector general upon request; provided, however, that the inspector general shall not disclose said information; or

(34) a contract made in accordance with section 5 of chapter 111C.

(c) This chapter shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven when one political subdivision, as defined in said section twenty-two A, acting on behalf of other political

subdivisions, complies with the provisions of this chapter, or when purchases are made from a vendor pursuant to a contract with the commonwealth for the item or items being purchased.

(d) Where a procurement involves the expenditure of federal assistance or contract funds, the provisions of this chapter shall not apply to the extent that such provisions prevent compliance with mandatory provisions of federal law and regulations.

(e) Notwithstanding the provisions of any general or special law to the contrary, a governmental body may enter into a contract, in conformance with this chapter, for the construction and for services at a facility owned by a private party or parties, whether such facility will be located on public or private land for the disposal, recycling, composting or treatment of solid waste, sewage, septage or sludge without said contract being subject to the competitive bid process as set forth in sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine; provided, however, that this subsection shall not apply to a procurement of proprietary environmental technology in accordance with subsection (5) of section forty-four A of chapter one hundred and forty-nine.

(f) This chapter shall be deemed to have been complied with on all purchases made from a vendor pursuant to a General Services Administration federal supply schedule that is available for use by governmental bodies.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title II** EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE  
COMMONWEALTH

**Chapter 7C** CAPITAL ASSET MANAGEMENT AND MAINTENANCE

**Section 44** PURPOSE OF SECS. 44 TO 58 RELATING TO PROCUREMENT AND  
QUALITY OF DESIGN SERVICES; DEFINITIONS

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Section 44. (a) Sections 44 to 58, inclusive, shall: ensure that the commonwealth receives the highest quality design services for all its public building projects; provide for increased confidence in the procedures followed in the procurement of design and design related services; promote consistency in the methods of procurement of design and design related services for all public building projects in the commonwealth; foster effective broad-based participation in public work within the design professions; provide safeguards for the maintenance of the integrity of the system for procurement of designers' services within the commonwealth;

(b) As used in sections 44 to 58, inclusive, the following words shall have the following meanings, unless the context clearly requires otherwise, or a different definition is prescribed for a particular section or provision.

"Applicant", any person or entity applying to perform design services, the principal personnel responsible for the provision of such services for the project, and the persons who will be the principal staff for the project.

"Board", the designer selection board.

"Commissioner" and "division", the commissioner and the division of capital asset management and maintenance.

"Continued services", authorization for a designer or interior designer who has been appointed for 1 stage of a project to act as the designer or interior designer for a succeeding stage or stages of the same project.

"Construction manager", any designer or any other corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of construction management or construction scheduling.

"Design services", any of the following services provided by any designer, interior designer, programmer, or construction manager in connection with any public building project:

- (i) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- (ii) preparation of drawings, plans, or specifications, including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- (iii) supervision or administration of a construction contract;
- (iv) construction management or scheduling.



"Designer", an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of architecture, landscape architecture, or engineering, which satisfies the following:

- (i) if an individual, the individual is a registered architect, landscape architect, or engineer;
- (ii) if a partnership, a majority of all the partners are persons who are registered architects, landscape architects, or engineers;
- (iii) if a corporation, sole proprietorship, joint stock company or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, landscape architects, or engineers, and the person to have the project in his or her charge is registered in the discipline required for the project;
- (iv) if a joint venture, each joint venturer satisfies the requirements of this section.

"Director", the director of the office of project management, or in the case of agencies subject to section 4B of chapter 7, the chief executive official of the agency or his designee.

"Extended services", authorization for a designer or interior designer who has been appointed to provide design services for a project to act as designer or interior designer for work to be done on another project not originally included in that designer's or interior designer's contract.

"Interior Designer", an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the practice of interior design, who may serve as the prime consultant for projects that primarily involve construction or other work relating to

the nonstructural interior elements of a building or structure and who provides services that do not require a registered architect, landscape architect or engineer; provided, however, that an interior designer shall demonstrate competence by completion of a nationally-recognized certification.

"Nonstructural", interior elements or components that are not load-bearing and do not require design computations for a building's structure, including, but not limited to, ceiling and partition systems and excluding the structural frame supporting a building.

"Partition", a wall which does not support a vertical load of a structure other than its own weight, but may support loads attached to it, such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a structure designed for human habitation or occupancy to the underside of the deck of that structure.

"Programmer", any designer or any other individual, corporation, partnership, sole proprietorship, joint stock company, joint venture or other entity engaged in the preparation of architectural facility programs or studies.

"Public agency", a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth or two or more subdivisions thereof other than cities and towns, and any agency, unit, authority, or instrumentality thereof but not including the State College Building Authority or the University of Massachusetts Building Authority.

Date	Contract #	Compay	Scope of Work	Department	Payment Total
1/25/2016	L-6185	Weston & Sampson	Engineering Services - Sewer Rehab	DPW	\$679,906
3/11/2016	L-6195	Langdon Environmental	Environmental Monitoring Fumford	DPW	\$152,500
3/11/2016	L-6197	Street Scan	Pavement Inspection	DPW`	\$126,560
4/7/2016	L-6160	Tata & Howard	Tank Decommission	DPW	\$67,300
5/4/2016	L-6212	Tata & Howard	Lead Service Replacement	DPW	\$384,600
6/22/2018	L-6203	HDR Engineering	West Newton Square Concept Design	DPW	\$168,441
9/14/2016	I-6249	Tata & Howard	Water Main Rehab	DPW	\$178,800
10/21/2016	L-6244	Environmental Partners	Contract and Amendment - Dedham St Intersection Improvements	DPW	\$157,965
11/14/2016	L-6272	Beta Group	On-call Pavement Management Services	DPW	\$50,000
11/16/2016	L-6262	Lerner/Ladds & Bartels Inc	Library Feasibility Study	Library	\$75,000
12/2/2016	L-6276	Weston & Sampson	Cinspection & Assessment -Sewer Area 7	DPW	\$818,949
1/11/2017	L-6199	Environmental Partners	Complete Streets Prioritization Plan	DPW	\$60,000
2/3/2017	L-6292	Stantec	Needham St/Oak/ Christina Sts Improvements	DPW	\$56,000
2/6/2017	L-6291	HDR Engineering	West Newton Square Final Design	DPW	\$250,000
2/23/2018	L176295	City Point Partners	Crescent St Project	Public Buildings	\$114,470

4/28/2017	L-6291	HDR Engineering	Amendment West Newton Square Final Design	DPW	\$104,059
5/5/2017	L-6301	Environmental Partenrs	Walnut St Enhancements	DPW	\$400,000
5/16/2017	L-6268	Woodard & Curran	Rehab of Forest Grove / Flowed Meeadow Pump Station	DPW	\$71,800
6/19/2017	L-6332	Abacus Architects + Planners	Design Crescent St Project	Public Buildings	\$456,745
6/30/2017	L-6321	Tata & Howard	PCCP Valve Replacemtne	DPW	\$160,300
7/12/2017	L-6303	Weston & Sampson	Cross Connection Control Program	DPW	\$185,000
7/19/2017	L-6335	Weston & Sampson	Project Area 5 Construction & Re-test Services	DPW	\$563,500
7/19/2017	L-6343	Weston & Sampson	Cabot Culvert Replacement	DPW	\$218,400
8/21/2017	L-6348	Beta Group	On-call Pavement Management Services	DPW	\$60,000
9/18/2017	L-6347	Beta Group	Engineering Services - Roadway Rehab	DPW	\$430,000
1/16/2018	L-6382	CWL O& M Soluutions	Engineering Services for FOG Characterization and Management Program	DPW	\$80,000



Ruthanne Fuller  
Mayor

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Barney S. Heath  
Director

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## MEMORANDUM

DATE: March 2, 2018

TO: City Council Finance Committee

FROM: Barney Heath, Director of Planning & Development  
James Freas, Deputy Director of Planning & Development  
Rachel Blatt, Long-Range Planner

Cc: Maureen Lemieux, Chief Financial Officer  
Jonathan Yeo, Chief Operating Officer

SUBJECT: Washington Street Corridor Vision and Zoning Plan Request – Docket# 85-18

### I. Overview of Request

Mayor Fuller stressed the need for Newton to pro-actively develop a community-driven vision and accompanying zoning plan for the Washington Street corridor in her inaugural remarks. Shortly after taking office, Mayor Fuller requested the Planning Department begin this effort as soon as possible in light of anticipated property redevelopment requests along the corridor. Given the expedited timeline for delivering a community plan with supporting zoning and the wide-variety skill-sets required to engage genuinely with the many stakeholders, the Planning Department in consultation with the Mayor and Executive Office concluded that a consulting contract would be both an expeditious and effective approach.

Drawing upon the department's collective in-depth knowledge of high quality design firms, with specific expertise in comprehensive planning, community engagement, development design and zoning, we identified the Principle Group to be interviewed. Following multiple discussions with Principle Group about our intended deliverables and after gaining a deep understanding of their team approach, experience in other communities, proposed scope of services, and general cost parameters, we had the Principle Group in to present to the Mayor and Executive Office. After their presentation,

a decision was made to initiate negotiations with Principle Group to provide a scope of services and fee to undertake the work, to be completed in a thirteen-month time period. The Planning Department met with the Principle Group on three subsequent occasions to review scope and negotiate their fee, including utilizing a collaborative approach. The \$500,000 fee proposal represents undertaking a full scope for the project (see attached) accessing the skills and talents of the Principle Group combined with a hands-on approach from the Planning Department and shaped throughout by in-depth input by residents, businesses, and elected officials.

**II. Rationale for Contracting Services**

The Planning Department is fully cognizant of the requisite skills and time required to complete a vision plan and an adoption-ready zoning amendment for the Washington Street corridor. We did consider an in-house approach, but the scope of this project is unique and specialized. For example, the Principle Group team has specific expertise in translating community desires into specific visuals, which is essential for this undertaking. In addition, the Principle Group has assembled its regular team of subconsultants with specific expertise in real estate market feasibility, fiscal impact analysis and public improvement financing alternatives, all of which are necessary to produce a well-rounded plan. With respect to zoning, the Planning Department does not have the in-house capacity to develop an ordinance-ready, form-based zoning code amendment, reflective of the community vision plan for the Washington Street corridor.

The Planning Department is fully capable of running a community process to engage the community as it is currently doing with the Needham Street area. However, it does not have the services of a design team on-hand to produce multiple detailed vision sketches to immediately respond to community suggestions nor the bandwidth to undertake the extensive level of community engagement (six-day charrette) as planned by the Principle Group.

It is common for Planning Departments, juggling multiple projects simultaneously, to employ consultants on an as-needed basis for specialized skill sets to extend capacity. A partial list of current and upcoming Planning Department undertakings is attached for reference.

**III. Connection to Overall Zoning Redesign**

The City's overall Zoning Redesign is moving forward in parallel with this effort. It is important, however, to distinguish that the goal and product of the Zoning Redesign effort will be a new baseline Zoning Ordinance, to be presented fully as a draft in the fall of this year. The need for specific zoning for the Washington Street corridor is immediate. The goal for this project is to articulate a specific vision plan for this corridor, particularly focused on the anticipated nodes of development. It is expected that the proposed zoning amendment for the Washington Street corridor can be an amendment under our current zoning ordinance and will be designed to be made part of the new ordinance once it has been enacted.

#### IV. Scope of Services Sought

To reflect the community's vision for future development along the Washington Street corridor from West Newton Square east to approximately Adams Street, the following set of services were sought:

- ❖ Architectural and design expertise with specialized experience in comprehensive planning and master planning as well as specific experience working with municipalities to assist in achieving development outcomes consistent with the community's vision.
- ❖ Effective and proven community engagement techniques that provide multiple opportunities for input and, offer clear unambiguous plan visuals that reflect the community vision. Experience working with various point of views and building consensus.
- ❖ Team competence and expertise to undertake attendant issues including transportation (all modes) and parking, real estate market feasibility, fiscal impacts, and public improvement financing.
- ❖ Zoning code expertise to produce adoption-ready zoning ordinance language.

#### V. 30B Waiver for Design Professionals

Massachusetts State Purchasing specifically recognizes and provides for an exemption to normal purchasing requirements when it comes to procuring certain design services with architects, engineers and related professionals. The inherent rationale as stated in MGL §30B is that selection of professional services is to be based on quality rather than price, consistent with exemptions for lawyers, accountants and medical professionals. In much the same way municipalities might look to hire a known attorney with expertise in a particular field, so have we approached this undertaking by first identifying a well-suited firm and negotiating to a set fee.

#### VI. Selection of Principle Group

After identifying the scope of services sought for the Washington Street Corridor Vision and Zoning Plan, the Planning Department undertook an internal analysis and discussion of the best candidates for this work. Key considerations in identifying a potential partner included architectural design expertise, firm grounding in community engagement, vision plan production, zoning code expertise and local knowledge. We were aware of the Principle Group's work in a similar capacity for the City of Somerville and the City of Providence. Following a conversation with Somerville and Providence officials and a review of their substantial content on the Principle firm website, we focused our effort on determining whether this firm was an appropriate fit to undertake the identified scope of services. In addition, a discussion was held with the City's Chief Financial Officer to outline the scope of the work and be apprised the City's financial capacity to invest in the services. After multiple interactions, including a well-received presentation to the Mayor and Executive Office, we asked the Principle Group to provide a fee proposed for the work. At

subsequent meetings with the firm, the fee proposal and scope of work was negotiated to \$500,000, an amount that covered all of the necessary components and was within the previously scoped project budget. It is our considered opinion that given the high level of expertise required, the complexity and breadth of the project scope, the number of hours and level of engagement necessary to effectively involve the public, the fee established is appropriate.

**VII. Principle Group Proposal**

Attached you will find a detailed description of the planned scope of services to be provided by the Principle Group along with their detailed budget. At a base cost of \$366,260, the Principle Group is providing 2,509 hours toward this undertaking at an average of \$145/hr., which is in-line with industry standards. Additionally, the Principle Group has reserved funding in the amount of \$102,000 to employ sub-consultants in the fields of transportation/ mobility (\$50,000), fiscal impact analysis (\$40,000) and economic analysis (\$12,000), all of which are critical components.

We have provided a number of attachments to further support this request.

**Attachments**

Planning Department Undertakings

Answers to Outstanding Questions (1/22/18)

Principle Group Scope of Services/Detailed Budget

Sample Work Products of Principle Group



**Partial Listing of Planning Department Undertakings**  
**March, 2018**

- ❖ Zoning Redesign/ Ordinance
- ❖ Needham Street Area Vision Plan
- ❖ Inclusionary Zoning Amendment
- ❖ Street Design Guide
- ❖ Austin Street Coordination
- ❖ Walnut Street Enhancement Design
- ❖ Webster Woods Advisory Panel Support
- ❖ Crescent Street Housing and Reverend Ford Park/ Playground Expansion
- ❖ Newton Centre Parking Plan Implementation
- ❖ Auburn St./West St./Stanton Ave Affordable Housing
- ❖ Economic Development Strategy Plan
- ❖ Recreational Marijuana Ordinance
- ❖ Planning Analysis for Anticipated Major Redevelopment Proposals for Washington Street Corridor, Riverside, Needham Street

**Outstanding Questions (1/22/18)**

- Q.) What is the implicit cost of acting on the proposed vision plan and zone changes?
- a. Without a clear, well-articulated version for the anticipated nodes of redevelopment along the Washington Street corridor, the City cannot dictate what it desires in terms of future development but instead will be forced to react and decide on an ad hoc basis what is possible. The cost of not acting is not ensuring a defined outcome that would come as a result of zoning.
- Q.) What is the impact on the City's cash flow position and what are some of the other claims on Free Cash?
- a. Maureen Lemieux is best suited to answer this question. She was part of the selection process throughout and approved of the negotiated fee.
- Q.) How does this project fit with Phase II of the City's zoning reform project?
- a. This project actually fits well with respect to the overall Zoning Redesign project. Zoning Redesign will establish overall base zoning districts for areas of the City. It was likely that the Washington Street Corridor merited its own special district plan, with specific prescriptive zoning for certain parcels, that this effort will fulfill. The final zoning package for this effort will be able to work with our current ordinance as well as the new ordinance.
- Q.) This question relates to the cost inside the whole system. If the Council were to take an existing proposal that came before it, they could ask for consultant money to be paid for by the developer or could look at tax increment financing or a variety of other funding sources. This is a significant amount of money to ask to frontend as opposed to having a sense of it the City is going to recapture the money, or what is the net gain. How is the City going to recapture the money and how is it going to justify this expenditure?
- a. The expenditure of the funds now, as opposed to waiting to undertake this as part of a future project puts the City in a pro-active mode as opposed to reacting to an already preconceived project, which might be vastly different from the community's vision. In addition, part of this process will engage the community in identifying how desired community improvements might be financed.
- Q.) Given the examples that Principle Group provided in the presentation, do they have a proclivity to recommend development over non-development.
- a. The Principle Group is to be hired by the City of Newton to undertake a community driven process to generate a vision for the Washington Street corridor. Their vision will be reflective of that community process.
- Q.) How does Principle Group manage very different community opinions? How do they find common ground? Do they have an example?
- a. One of the strengths of the Principle Group is their attention and effort given to the community engagement aspect of the work. They specialize in bringing concepts and ideas into physical visions so that citizens can visualize places. They also stress that the

process is interactive so that ideas are constantly updated and modified to reflect prevailing sentiment.

- Q.) Can the consultants articulate their certainty that the budgeted amount is adequate? Have their past objects come in a budget?
- a. The budget developed was proposed by the Principle Group. They are aware of the budget cap and deliverables for the project.
- Q.) What is the transportation and streetscape scope of the project? What is included, and how will this piece be coordinated with past plans and current staff and community work on transportation and streetscape?
- a. The Principle Group identifies issues of transportation and parking as key to understanding community desires. They have plans to bring an experienced partner with transportation expertise to assist and help shape the vision. They will work closely with the City's existing plans and transportation team to coordinate efforts.
- Q.) Provide a better understanding of why the Planning Department makes the decision to use outside consultants instead of developing in-house staff for these types of projects. It seems that the City should be doing more in-house. Provide detailed information on why the City needs a consultant.
- a. The Planning Department recognizes that this task is too specialized in terms of required skill sets (architecture and design capacity, a record of community-based planning, inhouse zoning form-based zoning code capability, and team capacity to undertake transportation, market feasibility, fiscal impact and public improvement financing analyses) and too time-sensitive to handle in-house. The Planning Department will be working alongside the Principle Group during the entire process to assist and learn from their process. It is best and common practice for Planning Departments to seek outside assistance, when warranted, to produce certain specialized deliverables within an expedited timeframe.

# Washington Street Corridor Budget 20180122

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	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Washington Street Corridor Vision Plan & Zoning Code												
2	Updated: 1/20/18												
3													
4	<b>Task</b>	<b>Description</b>	<b>Cost</b>										
5	Task 0.0	Project Management	\$ 31,856.00										
6	Task 1.0	Existing & Emerging Conditions Research	\$ 70,336.00										
7	Task 2.0	Community Connectors	\$ 2,920.00										
8	Task 3.0	Community Crowdsourcing	\$ 21,626.00										
9	Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00										
10	Task 5.0	Plan Open House (Public Draft #1)	\$ 143,336.00										
11	Task 6.0	Forums	\$ 18,456.00										
12	Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00										
13	Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,256.00										
14													
15	Team Cost		\$ 468,200.00										
16	Direct Cost		\$ 31,740.00										
17													
18	<b>TOTAL</b>		<b>\$ 500,000.00</b>										
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Updated: 1/22/18	Notes	Principle	S. Associate III	S. Associate II	Associate I	Designer II	Designer I	Graphics	Illustrator	Logistics	Mobility	Fiscal	Economic	TOTALS	Total Time	Type of Work
Description		Director	155	155	115	95	80	80	200	65	Tools & Street Pl	Tischlerblise	Urban Advisors	Team Cost	Direct Cost	
Project Management		\$ 11,760.00	\$ 17,050.00	\$ 155.00	\$ 115.00	\$ 95.00	\$ -	\$ 80.00	\$ -	\$ 2,600.00	\$ -	\$ -	\$ -	\$ 31,855.00	\$ -	
Setup																
Ongoing Team Coordination																18 Deliverable
Existing & Emerging Conditions Research		\$ 5,250.00	\$ 3,720.00	\$ 1,395.00	\$ 4,255.00	\$ 2,280.00	\$ -	\$ 720.00	\$ -	\$ 715.00	\$ -	\$ 40,000.00	\$ 12,000.00	\$ 70,335.00	\$ -	136 Deliverable
Background Information																18 Deliverable
Prepare Analysis Maps	City provides															8 Deliverable
Synoptic Survey	City support															16 Deliverable
Complete Neighborhood & Placemaking Assessment																28 Deliverable
Fiscal Impact																14 Deliverable
Economic Impact																14 Deliverable
Residential Market Study																20 Deliverable
Community Connectors		\$ 1,260.00	\$ 1,240.00	\$ -	\$ -	\$ -	\$ -	\$ 160.00	\$ -	\$ 260.00	\$ -	\$ -	\$ -	\$ 2,920.00	\$ -	
Organize Connector Group	City takes on															0 Public Engagement
Communication Platform	City takes on															0 Public Engagement
Community Connectors Workshop																14 Public Engagement
Community Crowdsourcing		\$ 7,560.00	\$ 8,625.00	\$ -	\$ -	\$ 1,520.00	\$ -	\$ 840.00	\$ -	\$ 3,380.00	\$ -	\$ -	\$ -	\$ 21,825.00	\$ 1,850.00	
Campaign Branding																26 Public Engagement
Branding Test																4 Public Engagement
Marketing Collateral & Launch Public Campaign	City takes on															0 Public Engagement
Facebook Setup	City takes on															0 Public Engagement
Marketing Copy	City takes on															0 Public Engagement
Media Partners	City takes on															0 Public Engagement
Press Release	City takes on															0 Public Engagement
Print Marketing Collateral																3 Public Engagement
Community Connector Media Kit	City takes on															0 Public Engagement
Distribute Launch Materials	City takes on															0 Public Engagement
Media Outreach	City takes on															0 Public Engagement
One on One Interviews																52 Deliverable
Interview Summary																28 Deliverable
Community Crowdsourcing Public Workshop																20 Public Engagement
Multi-Day Planning Event (Charrette)		\$ 14,070.00	\$ 11,935.00	\$ 11,825.00	\$ 7,475.00	\$ 8,380.00	\$ 5,200.00	\$ 2,800.00	\$ 13,000.00	\$ 8,825.00	\$ 40,000.00	\$ -	\$ -	\$ 121,290.00	\$ 27,090.00	
Charrette Coordination																32 Deliverable
Organize Focus Groups & Schedule																21 Deliverable
Coordinate Charrette Team																17 Deliverable
Charrette Prep	Move to C															30 Deliverable
Multi-Day Planning Event																475 Public Charrette
Plan Open House (Public Draft #1)		\$ 10,290.00	\$ 39,525.00	\$ 34,410.00	\$ 12,850.00	\$ 14,250.00	\$ 8,000.00	\$ 8,000.00	\$ 9,000.00	\$ 2,210.00	\$ 5,000.00	\$ -	\$ -	\$ 143,335.00	\$ 800.00	
Internal Draft Corridor Plan & Zoning Code																655 Deliverable
Plan & Code Review Coordination																30 Deliverable
City Interdepartmental Review																8 Deliverable
Open House Production																4 Public Engagement
Produce Open House Gallery																25 Public Engagement
Process Open House Results																30 Public Engagement
Edit Corridor Plan & Zoning Code																60 Deliverable
Publish Public Draft #1 of Plan & Zoning Code																4 Deliverable
Forums		\$ 1,680.00	\$ 6,200.00	\$ 3,100.00	\$ 4,600.00	\$ 1,600.00	\$ -	\$ -	\$ -	\$ 975.00	\$ -	\$ -	\$ -	\$ 18,455.00	\$ -	
Organize & Host Zoning Code Forums																120 Public Engagement
Organize & Host Vision Plan Forums	City takes on															15 Public Engagement
Organize & Host Technical Forums	City takes on															0 Public Engagement
Revise Plan & Zoning Code (Public Draft #2)		\$ 4,200.00	\$ 8,835.00	\$ 8,835.00	\$ 5,520.00	\$ 4,370.00	\$ -	\$ -	\$ -	\$ 1,430.00	\$ 5,000.00	\$ -	\$ -	\$ 38,190.00	\$ -	
Process Public Comments & Edit Drafts																104 Deliverable
Client Team Workshop and Final Edits																30 Deliverable
Post Public Draft #2																6 Deliverable
Final Plan & Zoning Code (Public Draft #3)		\$ 2,730.00	\$ 6,665.00	\$ 5,890.00	\$ 2,300.00	\$ -	\$ -	\$ 720.00	\$ -	\$ 1,950.00	\$ -	\$ -	\$ -	\$ 20,255.00	\$ 2,000.00	
Host "Decision Workshop"																18 Deliverable
Coordinate Printer																9 Deliverable
Final Copy Editing & Production																60 Deliverable
Packaging & Posting Final Documents																25 Deliverable
<b>Total Person Hours</b>		265	685	414	301	329	165	184	110	413	0	0	0			
<b>Total Fee per Person</b>		\$ 58,800.00	\$ 103,895.00	\$ 65,410.00	\$ 36,915.00	\$ 32,775.00	\$ 13,200.00	\$ 13,120.00	\$ 22,000.00	\$ 20,345.00	\$ 80,000.00	\$ 40,000.00	\$ 12,000.00			

SUMMARY BY COMPANY	
Principle	\$ 366,260.00
Mobility	\$ 50,000.00
Fiscal	\$ 40,000.00
Economic	\$ 12,000.00
Direct	\$ 31,740.00
<b>TOTAL</b>	<b>\$ 500,000.00</b>



# **NEWCASTLE, MAINE CHARACTER-BASED CODE**

**PUBLIC DRAFT  
06.30.2017**

# CONTRIBUTORS

**NEWCASTLE LOCAL STEERING COMMITTEE**

**ALSO A THANKS TO THE FOLLOWING CONTRIBUTORS.**

**The Newcastle Character-Based Code is the result of a collaborative effort led by MAINE DESIGN WORKSHOP & PRINCIPLE.**

**Vanessa Farr, Maine Design Workshop**

**Sara Sremac, Maine Design Workshop**

**Russell Preston, Principle**

**Scott Douglass, Principle**

**Kara Wilbur, Principle**

**Irene Miller, Principle**

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2. Campus Special District (SD-C)
3. Marine Special District (SD-M)
4. Fabrication Special District (SD-F)
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## BUILDING TYPES

1. Country House
2. Small house
3. House
4. Bungalow
5. Duplex
6. Apartment House
7. Small Apartment Building
8. Apartment Building
9. Townhouse
10. Live/Work Flex
11. Inn
12. Shop
13. Shophouse
14. Mixed-Use Building
15. Lined Parking Garage
16. Fabrication Building
17. Civic Building

## ACCESSORY BUILDINGS

1. Barn
2. Farmstand
3. Back cottage
4. Garage
5. Fabrication Shop
6. Accessory Shop

## COMPONENTS

1. Porch
2. Gallery
3. Side Wing
4. Rear Addition
5. Stoop
6. Connector
7. Cross Gable
8. Penthouse
9. Shed Dormer
10. Dormer Window
11. Bay
12. Balcony
13. Extended Shopfront
14. Turret
15. Arcade
16. Porte-Cochere
17. Portico
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22. Cupola

## CIVIC SPACES

1. Regional Park
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8. Neighborhood Street
9. Thin Commercial Street
10. Commercial Street
11. Shared Street
12. Avenue
13. Parkway
14. Footpath
15. Crossweave

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2. Shared Use Path
3. Neighborhood Greenway
4. Shared Use Lane
5. Buffered Bike Lane
6. Protected Bike Lane

## SIGNAGE

1. Address Sign
2. Yard Sign
3. Plaque Sign
4. Multi-Business Sign
5. Canopy Sign
6. Suspended Sign
7. Sidewalk Sign
8. Window Sign
9. Outdoor Display Case
10. Blade Sign
11. Awning Sign
12. Vertical Banner Sign
13. Band Sign
14. Marquee Sign
15. Wall Mural
16. Roof Sign

# ARTICLE 1 GENERAL PROVISIONS

## PURPOSE

- To implement the Comprehensive Plan of the Town of Newcastle.
- To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Newcastle.
- To equitably balance the regulation of real property with the interests of the community as a whole.
- To preserve and enhance the existing character of Newcastle's traditional walkable villages, to continue to promote neighborly activity, respect the existing built form, and honor the historic development pattern inherent in the villages.
- To protect and enhance unique ecological habitats, including Damariscotta Lake, the rivers, Great Salt Bay, and Deer Meadow Brook.
- To conserve and enhance human access to Newcastle's greatest amenities, the rivers, marshes, forest, farms, and other natural areas.
- To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- To promote the adaption and preservation of existing buildings.
- To permit redevelopment and infill construction that contributes to and preserves the character of Newcastle.
- To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying particular attention to affordable housing to individuals and families with low and moderate incomes.
- To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within walkable villages.
- To preserve and promote a full range of thoroughfare types, including narrow, low-impact, and inexpensive streets that promote Newcastle's village and rural character.
- To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
- To preserve and enhance the availability and design of Newcastle's public realm, including access to nature, parks, streets, and other civic space.
- To allow for a range of business activity that supports the local interest in promoting Newcastle as a center for entrepreneurial activity, both in the villages and rural areas.

## APPLICABILITY

- Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle as shown on the Town of Newcastle Official Zoning Map.
- All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
- Real property used or occupied by the Town of Newcastle is exempt from the provisions of this Ordinance.
- Real property used or occupied by the State of Maine is exempt from the provisions of this Ordinance.



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Article 1 General Provisions

**1. CODE INSTRUCTIONS**

**A. TITLE**

1. This Ordinance is known as the "Municipal Land Use Ordinance of the "Town of Newcastle" and may also be cited and referred to as the "Town of Newcastle Land Use Ordinance."

**B. MEANING & PURPOSE**

1. Words, phrases, and terms used in this Ordinance are defined in Article 7: Definitions.
2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.
6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and "thoroughfare" also refer to any portion thereof.
7. The word "description" is synonymous with "definition" when used in this ordinance.

**C. TEXT & GRAPHICS**

1. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text must govern.
2. All metrics included in tables must be interpreted as text under this Ordinance and must govern.

**D. ORGANIZATIONAL STRUCTURE**

1. The burden is on the applicant for complying with all the terms of this Ordinance.
2. All of the terms in this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

**2. ZONING MAP**

1. The boundaries of districts are applied to real property as shown on the Official Zoning Map of the Town of Newcastle, Maine.
2. This map may be cited and referred to as the "Official Zoning Map" or "Zoning Map."
3. District boundary lines are intended to follow lot lines, be parallel or perpendicular to them, and follow centerlines of private rights-of-way or public thoroughfares, as indicated on the Zoning Map.
4. Where the Zoning Map indicates a District boundary line that approximately coincides with a lot line, the lot line is the official boundary between Districts.
5. Where the Zoning Map indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the Official Zoning Map.
6. Lots divided between two or more character districts must observe the rules of the most restrictive district across the entire lot.
7. Special Requirements are shown on the Zoning Map as a line that applies to abutting parcels, which are regulated according to the standards contained in this Ordinance.

Article 1 General Provisions

**3. AUTHORITY & COMPLIANCE**

**A. AUTHORITY**

- 1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO LOCAL ORDINANCE].

**B. COMPLIANCE**

- 1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
- 2. This Ordinance allows waivers from the provisions of this Ordinance if the Code Enforcement Officer determines that:
  - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
  - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
- 3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

**C. RELATIONSHIP TO OTHER PROVISIONS**

- 1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- 2. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
- 3. The provisions of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
- 4. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance impose a greater restriction than required by Federal or State law, the provisions of this Ordinance must apply unless otherwise prohibited by law.

**4. ADOPTION & EFFECT**

**A. ADOPTION DATE**

- 1. This Ordinance is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187. Specific chapters of this Ordinance are also adopted under specific statutory provisions, including Mobile Home Parks, under 30-A MRSA Section 4358; Subdivisions, under 30-A MRSA Section 4404; Shoreland Standards, under 38 MRSA Sections 435449, and Floodplain Management, under PL. 90-488, the National Flood Insurance Act of 1968.

**B. IN EFFECT**

- 1. This Ordinance must take effect upon its passage and supersedes the Zoning Ordinance of the Town of Newcastle as enacted on March 27, 2001 and updated June 2013.

**C. CLAIM OF INVALIDITY**

- 1. No claim of invalidity of this Ordinance must be made in any legal proceeding after 90 days have passed following the publication of notice of adoption.
- 2. Notice specifying the court, parties, claim of invalidity, and date of filing must be submitted to the Board of Appeals within 7 days after commencement of such action.

**D. PREVIOUS APPROVALS**

- 1. All valid permits issued on or before the date of adoption of this ordinance will remain valid.

**E. SEVERABILITY & INVALIDITY**

- 1. If any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining provisions of this Ordinance and their application to any other person, partnership, corporation, or circumstance must not be affected.

Article 1 General Provisions

EXHIBIT 1.1 NEWCASTLE ZONING MAP

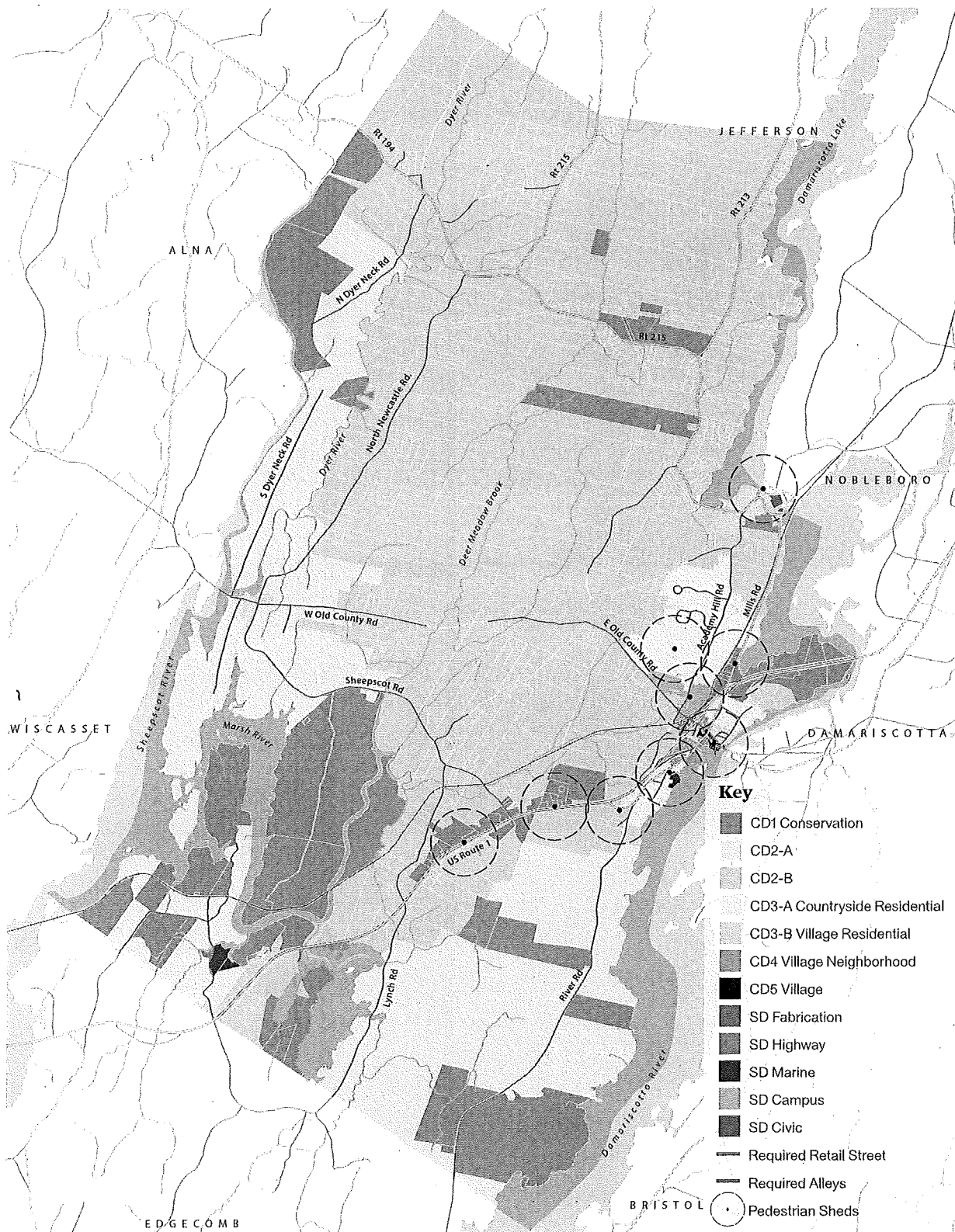
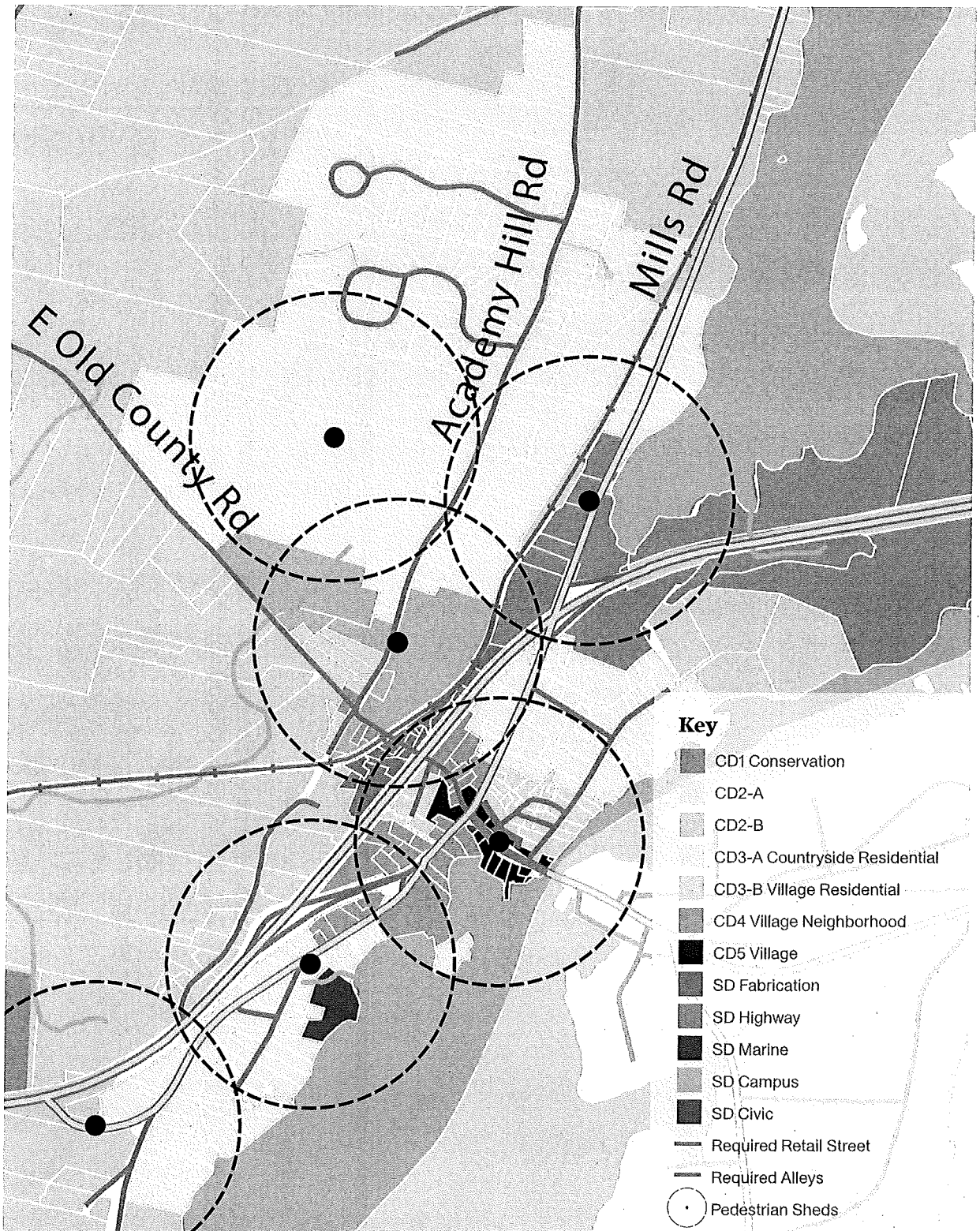


EXHIBIT 1.2 NEWCASTLE ZONING MAP INSET



## Zoning & Planning Committee Report February 12, 2018

### Referred to Zoning & Planning and Finance Committees

**#85-18** HER HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from Free Cash for the purpose of developing an actionable plan for the Washington Street Corridor that addresses land use, economic development, transportation, fiscal impacts, and other issues that may arise, as well as a new zoning district(s).

Finance to Meet

**Action:** **Zoning & Planning Approved 8-0**

**Note:** At the last discussion of this item, which was a joint meeting with Finance Committee, there were many questions that remained unanswered. The questions were provided to the Planning Department and were addressed in the Planning Memo that was prepared in advance of this discussion.

Mr. Heath explained that this project is a priority of the Mayor. The Washington Street corridor and its fate is important to the City, therefore, a proactive vision with appropriate zoning in place prior to the initiation of proposed redevelopment is a priority. Significant land assemblage has taken place along the corridor which is seen as a precursor to major development. Getting the communities desires for that development on paper and then enacting the zoning to support that vision. The current staffing in the Planning Department does not have all of the specific expertise to do this project in-house. That, along with the time committed to other work, necessitated the assistance of this consultant and it is not unusual for communities to do this.

There had been specific concerns that this project had not been put out to bid. Mr. Heath explained that there are exemptions in state bidding law for design professionals along with medical and law professionals. The City wanted to be sure they hired the best in the business with the most appropriate skill set. The firm they hired, the Principle Group, has done excellent work in advance of redevelopment proposals. They have worked in Somerville, Providence and Maine and are a highly skilled team with an attuned architect who knows Newton and greater Boston. They place a hallmark on community involvement and dedicate a large portion of their budget to it. The group also works on transportation and has experience in code based zoning. They were the best choice for this project.

Councilor Albright explained that she met with the Mayor right after the last discussion of this item. The Mayor expressed her concern that it was not voted out because it represented pushing the project out another 6 weeks and would like to have it voted out as soon as possible.

### Committee Comments/Questions

The Chair explained that the community engagement aspect of the Principle Groups proposal is extensive. Mr. Heath said they come to the community and spend as much time as it takes to get to the core of what is wanted. A typical consultant would spend a day in the community and then go back to their offices and work on the proposal with mixed results. This group conducts a 6-day open studio from 8am to 10pm. People can walk in and have any number of conversations or share ideas. The consultants will draw up what is expressed and provide as many feedback loops as possible. This process keeps the momentum going. About \$300K of the project is spent on the community engagement process. There will be experts available for real-time analysis on a number of factors. This is completely different than anything the City has done before.

Newtonville Area Council is conducting some community engagement as well and that information can be incorporated into this process.

A Councilor noted that this is the perfect type of project for consultants. Hiring staff in the Planning Department would not provide the same level of varied areas of expertise needed for this complicated project.

A Committee member said he would like to see where the money will be coming from going forward. This could set a precedent for other areas in the City that might want this type of project done. He would like to hear from Maureen Lemieux how this would work and be covered financially.

It was asked if the Principle Group always recommends development. Mr. Heath said they do not have preconceived notions about what should happen and that is why they want to hear so extensively from the community. They are an instrument for the community and its vision so that zoning can be written to support that vision. Generally, they are called in by communities to manage impending growth of some sort, whether it is being imposed on them, or whether they want to work with the growth that they anticipate. They look to shape the proposals to express what the community wants, which includes open space, streets, buildings, transportation, etc. Mr. Freas said he has seen the group be highly responsive and did see examples of allowing for parks and open spaces.

There was a scenario in Taunton where everyone filed subdivision plans and it froze zoning for seven years after a whole planning and zoning process had been undertaken. Mr. Korff, who has purchased multiple parcels on Washington Street and is planning to develop there, has able lawyers. The Councilor does not want to see the developer given more development opportunities so that he will not "stop the game". Is this process going to be effective in what is trying to be accomplished. He agreed that this firm is an excellent choice and that the talent is worth the money. He, also was concerned with the financial commitment involved, beyond this project. A wonderful plan could be developed with no money to implement.



The Chair explained the City hired MAPC years ago to study the Washington Street corridor and provided a road diet plan. There had been no time to implement that plan even though everyone liked the plan.

Mr. Heath explained that if the proactive response is not taken, then the City is always reacting to developers. It would be desirable to have zoning in place that developers have to react to. He is not aware of Mr. Korff's timeline, but hopes he will wait until this process is done so that his project is somewhat in line with what the community wants and needs. To a great extent, this project will be focused on the nodes that were identified on the corridor since the City is expecting some sort of proposals for development there. Fundamental questions need to be answered so that the City can shape what they feel are the priorities for the areas. Part of the plan is to bring in experts to look at the issues to see how the community can finance the projects, where are the public/private partnerships and other opportunities, what is achievable and how does it happen.

There is, of course, the zoning redesign overall project. Does the Washington Street project become a one-time exercise or will other areas of the city want a similar process. Mr. Freas said that zoning redesign is aiming to establish a better baseline zoning ordinance that is context based, for the entire City. It will bring the zoning in line with the built environment and reinforce the character and qualities of the City that people know, enjoy and love today. Some places are riper for a greater degree of change like the Washington Street corridor. The zoning redesign project does not have that level of community engagement built into it to address that need.

Mr. Freas reminded the Committee that Planning staff had introduced a process of master planning for neighborhoods, corridors and village centers to lead zoning reform and the Committee chose not to pursue that. The efforts now have to be targeted and do master planning for areas where this is potential for bigger chance. Both processes will have to be managed, along with other issues in the pipeline.

A Committee member noted that planning does not involve just buildings but issues of wildlife, shade trees, vibrant public spaces, storm water management, etc. Almost everything she thinks about has to do with the consequences of climate change. The way things have been built in the last 100 years cannot continue. This is an opportunity to get those issues into the forefront and make significant change.

The consultants will be looking at all the resources available to them through other studies that have been done in the city around a number of issues like transportation. The topic of safety along the corridor came up as well. Mr. Heath said that is very much in the proposal under "mobility" to specifically looking at how people, bikers, etc. make their way through the corridor safely.

Some Committee members noted that if a zoning ordinance for the corridor is in place, then the City will start getting proposals that fit into that. This will also allow to design in some

usable open space that will benefit the corridor. This is a very able team who could bring about some very useful tools for the area.

Councilor Kalis moved approval and the Committee voted in favor, unanimously.

LAW DEPARTMENT MEMORANDUM

TO: Councilor Gentile, Chair of the Finance Committee  
and Members of the Finance Committee

FROM: Marie Lawlor, Assistant City Solicitor

DATE: March 8, 2018

RE: Docket #154-18 Acceptance of MGL c. 64N §3 Local option tax on retail sales of recreational marijuana

Cc: Jonathan Yeo, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Barney Heath, Director of Planning & Development

---

Recreational Marijuana Sales Tax

MGL c. 64N, as most recently amended by Acts 2017, c. 55 §13, provides for state taxation on retail sales of recreational marijuana and marijuana products at a rate of 10.75%. Section 3 of the statute also provides municipalities with a local option to tax such sales by establishments operating within their borders at a rate of up to 3% of total sales price.

To exercise the local option, the City must do two things by vote of the City Council and approval by the Mayor: 1) accept the provisions of MGL c.64N §3, and 2) set the tax rate to any amount up to a cap of 3%.

In addition, the statute provides that the accepted section will take effect in a city on the first date of the calendar quarter following 30 days after its acceptance or on the first date of a later calendar quarter that the city may designate.

The tax revenue to the City is to be handled in the same way as local meals and hotel taxes: the state Commissioner of Revenue collects both the state and local tax directly from the retailers and then the state distributes the local tax revenue quarterly to the municipality. The local option taxes go to the general fund.

Medical Marijuana Exempted from Sales Tax

Retail sales of medical marijuana or marijuana products by medical marijuana treatment centers are exempt from the tax. MGL. C. 64N §4.

“Impact Fee” on Recreational and Medical Marijuana

Please note that the law governing recreational marijuana, MGL c. 94G, allows a municipality to impose an “impact fee” of up to 3% of retail sales of any medical or recreational marijuana establishment located in the community. MGL c. 94G §3(d). This

“impact fee” is separate from the local option tax. The “impact fee” is allowed in the context of a mandatory Community Host Agreement which must be negotiated between the city and the establishment and must be reasonably related to the costs imposed upon the municipality by the operation of the establishment.

business deriving receipts from operating a marijuana establishment or otherwise deriving receipts from conducting a marijuana business or activity, income-producing activity shall be considered to be performed in the commonwealth to the extent that the location of marijuana transactions or activities that generated the receipts is in the commonwealth.

SECTION 10. Said section 38 of said chapter 63, as so appearing, is hereby further amended by striking out, in line 247, the word “and”, the second time it appears.

SECTION 11. Said section 38 of said chapter 63, as so appearing, is hereby further amended by inserting after the word “commonwealth”, in line 253, the following words:- ; and (9) in the case of a business deriving receipts from operating a marijuana establishment or otherwise deriving receipts from conducting a marijuana business or activity, income-producing activity shall be considered to be performed in the commonwealth to the extent that the location of marijuana transactions or activities that generated the receipts is in the commonwealth.

SECTION 12. Section 2 of chapter 64N of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure “3.75” and inserting in place thereof the following figure:- 10.75.

SECTION 13. Said chapter 64N is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. (a) A city or town that accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other

than a marijuana establishment at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. The marijuana retailer shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the treasurer and receiver-general upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a city or town on the first day of the calendar quarter following 30 days after its acceptance by the city or town or on the first day of a later calendar quarter that the city or town may designate.

SECTION 14. Section 1 of chapter 94C of the General Laws, as so appearing, is hereby amended by inserting after the word "plant", in line 225, the following words:- , industrial hemp as defined in section 116 of chapter 128.

SECTION 15. Section 32L of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 2, 25, 30, 35, 36 and 45, the words "one ounce" and inserting in place thereof, in each instance, the following words:- 2 ounces.

SECTION 16. Said section 32L of said chapter 94C, as so

**DUE TO SEVERE WINTER WEATHER THE HOUSE OF REPRESENTATIVES AND THE SENATE WILL BE CLOSED ON THURSDAY, MARCH 8, 2018. THE HOUSE AND SENATE WILL RESUME NORMAL BUSINESS HOURS ON FRIDAY, MARCH 9, 2018**

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 64N** MARIJUANA TAX

**Section 3** LOCAL TAX OPTION

*[ Text of section added by 2016, 334, Sec. 4 effective December 15, 2016. See 2016, 334, Sec. 12.]*

Section 3. Local tax option. Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

All sums received by the commissioner under this section shall not be considered received on account of the commonwealth and shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the sale or transfer of marijuana and marijuana products in the city or town. <sup>#154-18</sup>



**DUE TO SEVERE WINTER WEATHER THE HOUSE OF REPRESENTATIVES AND THE SENATE WILL BE CLOSED  
ON THURSDAY, MARCH 8, 2018. THE HOUSE AND SENATE WILL RESUME NORMAL BUSINESS HOURS ON  
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**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title IX** TAXATION

**Chapter 64N** MARIJUANA TAX

**Section 4** EXEMPTIONS

*[ Text of section added by 2016, 334, Sec. 4 effective December 15, 2016.  
See 2016, 334, Sec. 12.]*

Section 4. Exemptions. This chapter shall not apply to the sale of marijuana or marijuana products by a medical marijuana treatment center or a registered personal caregiver to a qualifying patient or personal caregiver pursuant to chapter 369 of the acts of 2012, nor to any unlawful sale subject to taxation pursuant to chapter 64K of the General Laws.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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**Barney Heath**  
Director

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## MEMORANDUM

**DATE:** February 23, 2018

**TO:** Councilor Susan Albright, Chair  
Members of the Zoning and Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
James Freas, Deputy Director  
Lily Canan Reynolds, Community Engagement Manager

**RE:** **#59-18 Ordinance amendment for licensing and criteria for lodging houses**  
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

**CC:** Ouida Young, Law Department  
John Lojek, ISD Commissioner  
Deborah Youngblood, Health Commissioner  
David MacDonald, Chief of Police  
Bruce Proia, Fire Chief

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It was determined this past week, that in addition to reviewing the Zoning components of the lodging house ordinance amendments, that the licensing portion was also referred to ZAP.

Since the last ZAP meeting, the licensing portion was reviewed by the Licensing Board and by Programs and Services, which will take this up again at their March 7<sup>th</sup> meeting.

The attached draft of the Lodging House Licensing Ordinance amendments has been updated to incorporate comments from those two past discussions in the highlighted segments. Additionally, it was pointed out that the last section needed a little reorganizing and this latest version addresses that concern.

# Chapter 17 – Licensing and Permits Generally

## Art. II. Fees for licenses and permits, 17-2—17-21

### **Sec. 17-3. Fees for certain licenses and permits.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

...  
(8) Lodging house ~~and dormitory~~ licenses ..... \$50.00

(#) Dormitory license..... \$50.00

### **Sec. 17-10. Fees to be paid to the fire department.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the fire chief for each of the following applications, permits, licenses or charges, the sum set forth as follows:

...  
(b) Inspection fees:

...  
~~(10) Quarterly on-site inspection, lodging/rooming houses ..... \$ 50.00~~

### **Sec 17-16. Fees for interdepartmental inspections.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the Commissioner of Inspectional Services for each of the following interdepartmental inspections:

(1) Lodging House Inspection Fee.....\$300.00

## **Article VI. Lodging Houses, §§ 17-138 – 17-147**

Div. 1. Generally, §§17-138 – 17-142

Div. 2. Licenses, §§17-143 - 17-147

### **DIVISION 1. GENERALLY**

#### **Sec.17-138. Definitions.**

a) Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

- b) Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; fraternity houses; or hotels.  
State law reference – M.G.L. c. 140, §22, minus fraternity houses and dormitories of educational institutions
- c) Rooming Unit: The room or group of rooms rented to an individual or household for use as living and sleeping quarters.
- d) Enhanced Single Room Occupancy Units (E-SROs): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit.  
State law reference - M.G.L. c.140, §22A – cooking facilities

### **Sec. 17-139. Requirements for all Lodging Houses.**

- a) Common facilities. At minimum the following common facilities are required:
- i. Kitchen for use by all residents that includes food storage and cooking facilities in compliance with the State Sanitary Code.
  - ii. Bathrooms shall be provided in compliance of all applicable codes. Bathrooms shall be provided on the same floor as the associated rooming unit.
- b) Facilities in Rooming Units.
- i. Rooming Units, unless considered E-SROs, shall not include cooking facilities (convection microwaves, stoves, ranges, toasters, etc.) but may include food storage and non-cooking appliances (e.g. mini-fridge, coffee maker, blender, non-convection microwave) in compliance with the licensee’s approved electrical policy (see Sec. 17-144).
  - ii. Rooming units shall have individual keyed locks. Resident supervising agent shall keep the master key (Resident Supervising Agent defined in Sec. 17-144).
  - iii. Rooming Units may include private bathrooms.
- c) Number of Residents. The maximum number of residents in any rooming unit shall be determined by the State Sanitary Code. The maximum number of adult residents at any Lodging House shall be in accordance with requirements in the Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

### **Sec. 17-140. Requirements for Enhanced Single Room Occupancy Units (E-SROs).**

Licensed lodging houses may provide E-SROs under the following requirements and in accordance with the City’s Zoning Ordinance, Chapter 30 of the Revised Ordinances of the city.

- a) Life Safety. Inclusion of one or more E-SRO unit in a lodging house shall trigger compliance with minimum life safety requirements applicable to new construction for R-1 occupancies as required in the State Building Code. All E-SRO units shall have two independent means of egress from the unit.
- b) Cooking facilities. Cooking facilities in E-SRO units shall consist of a mini-kitchen providing a sink with hot and cold water, food storage area, refrigerator, and electric cook top with a maximum of 2 burners. Ovens and ranges shall not be permitted. Microwaves with or without convection and other accessory appliances shall be permitted in compliance with the licensee’s approved electrical use policy.

- c) Dimensional requirements. Each E-SRO shall have a minimum of 175 square feet.
- d) Max. number of E-SROs. In accordance with MGL c. 140 §22A , only a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities.
- e) Inclusionary Units. E-SRO units that include full living, cooking, and washing facilities, shall be subject to the Inclusionary Housing Section of the Zoning Ordinance (Chapter 30, Section 5.11).

**Sec. 17-141. Compliance with City Ordinances and State and Local Codes.**

- a) All lodging houses shall comply with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- b) All lodging houses shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the city.

**Sec. 17-142. Reserved.**

**DIVISION 2: LICENSES**

**Sec. 17-143. License Required.**

- a) No person shall operate or cause to be operated a Lodging House unless licensed by the Licensing Board of the City of Newton.
- b) Transfer/Sales of Licenses. No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval of the transfer by the Licensing Board. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise ordered by the Board.

All Licenses are specific to an individual property and may not be transferred between properties without approval of the Licensing Board.

- c) Display of Licenses. All licenses issued by the City pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.
- d) Taxes and Charges. All taxes and charges owed to the City by the Licensee must be paid on a current basis to receive a license. The City may deny a license or license renewal if property taxes are not current.

**17-144. Requirements for Licensees and Agents.**

- a) Licensee, defined. That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.
- b) Resident Supervising Agent, defined. That person designated by the licensee to carry out day to day responsibilities.
- c) Responsibility of Licensee. The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of

these ordinances and all other pertinent laws, regulations, and codes. The appointment of an agent shall in no way relieve the licensee from responsibility for full compliance with the law.

- d) On-site supervision of the premises. Licensed premises must have supervision from a resident who shall be available on a 24-hour basis via phone for residents and city staff. In the event that the licensee does not reside on the premises, the licensee shall designate one or more resident supervising agents who do reside at the property. The Licensing Board shall approve such agent(s).

Contact information for the resident supervisor, including cell phone or similar mobile communication device, as applicable, shall be posted in a conspicuous place inside the lodging house and provided to the Police Department, Health and Human Services Department, Fire Department, and Inspectional Services Department.

Resident supervisor, whether licensee or resident supervising agent, must respond to calls from City officials within a reasonable time: within one hour for emergencies and within 24 hours with respect to all other issues.

In the event that no resident supervisor will be at the property for more than 48 hours, e.g. for a vacation, the licensee shall be responsible for ensuring continuity of management by informing residents and the City of Newton Health and Human Services Department and Police Department of the short term change, and by assuming the role of central point of contact should any issues arise.

- e) Mandatory Certification for Licensees and Agents.

- i. All Licensees and their resident supervising agent(s) shall complete a two-step certification program to acquaint them with important aspects of their roles with regard to ensuring resident safety and compliance with City ordinances. Certification program materials will be developed by the Newton Inspectional Services Department along with representatives from the Health and Human Services Department, and Fire Department.
- ii. All applicants for new licenses shall review guidance materials and complete a written certification test. Their completed test shall be submitted along with their application for review by the certifying departments and the Licensing Board.
- iii. All applicants shall be required to complete an in-person certificate training program within the first year of their licensure. Such in person training shall be offered at least once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of these regulations and other laws or related topics that the City may deem necessary for the safe and proper operation of lodging houses.
- iv. The Licensing Board may at its discretion allow an extension to allow a licensee or agent to complete the in-person certification training in the 2<sup>nd</sup> year of licensure. Failure to complete the in-person training may result in a fine of the licensee not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Licensing Board, after notice and hearing, may determine.

- f) Timeliness Requirements when there is a change of Licensee or Resident Supervising Agent. If at any time there is a change in the Licensee or Agent, the newly designated person(s)

shall be required to notify the Licensing Board at least 48 hours prior to assuming responsibilities and receive their license within 60 days.

**17-145. Responsibilities of Licensees and Resident Supervising Agents regarding Residents.**

- a) Agreements with Residents. Licensees shall have written agreements with lodgers and supply the Licensing Board a copy of agreements with lodgers and any related documents. Licensees may not enter into agreements with residents that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring licenses to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules.
- b) Minors. No room shall be let to any unemancipated person who is younger than eighteen (18) years of age.
- c) Occupancy. No licensee shall vary the occupancy of the licensed premises as certified by the Inspectional Services Department.
- d) Resident and Guest Registries. The licensee of every lodging house shall keep or cause to be kept, in permanent form, a registry of residents. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of move-in and move-out. The entry of names of the residents shall be made by the residents themselves. Copies of these records shall always be maintained and be available for inspection by any City official.

Guests shall be registered in a separate guest registry with day and time of entry and exit listed.

- e) House Rules. Licensees and their agent(s) shall institute house rules as necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighborhood.
  - i. House rules should make residents aware of the City's ordinances and the licensee's policies, which shall be in writing and be reviewed by the Inspectional Services and Planning Departments. At a minimum, house rules shall adequately address the following:
    - 1. Noise control, including use of audio equipment that may disturb the peace;
    - 2. Adherence to laws regarding disorderly behavior;
    - 3. Proper garbage disposal and sanitary storage of food;
    - 4. Cleanliness of rooming units and common areas;
    - 5. Unobstructed egress paths.
    - 6. Compliance with Electrical Use Policy.
    - 7. Prohibition of use of fire escapes for general access to rooming units.
    - 8. Prohibition of tampering or removal of life safety devices.
    - 9. Guest policy.
    - 10. Pet policy.
    - 11. Any other provisions as may be required by the Licensing Board or City Officials.
    - 12. Consequences for repeat violations of the House Rules or the requirements of these regulations, up to and including eviction.

- ii. Licensees or agents shall ensure all residents are aware of the rules by distributing them at move-in, posting them in a visible place in the common area, and distributing updated copies when changes are made.
  - iii. Any change to the house rules shall be submitted to the Inspectional Services and Planning Departments for review.
- f) Electrical Use Policy. Licensees and their agent(s) shall institute an electrical use policy to prevent the lodging house from being a fire risk to the residents and neighborhood.
- i. Licensees and their agent(s) shall institute an electrical use policy to be approved by the Fire Prevention Bureau and Inspectional Services Departments. At a minimum, electrical use policies shall adequately address the following:
    - 1. Prohibition of use of portable heaters.
    - 2. Prohibition of use of candles or other items that require burning (incense, odor oils, etc.).
    - 3. Prohibition of use of cooking appliances other than non-convection microwaves in rooming units, including prohibition of: toasters, toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), or grills. The licensee may, at his/her discretion, prohibit the use of non-convection microwaves in rooming units.
  - ii. Licensees or agents shall ensure all residents are aware of the electric use policy by distributing it at move-in, posting it in a visible place in the common area, and distributing updated copies when changes are made.
  - iii. Any change to the electrical use policy shall be submitted to the Inspectional Services Department and Fire Prevention Bureau for review.

**17-146. Responsibilities of Licensees and Agents regarding Property Maintenance & Management.**

- a) Egress from and Access to Building. Licensees and Agents shall be responsible for ensuring that adequate egress is provided. A minimum of two means of egress shall be provided from each occupied story of a lodging house. No private room shall be used as access to a required fire escape except that additional egress shall be provided to E-SROs in accordance with Sec. 17-140.

Licensees and Agents shall promptly remove any obstacle that may interfere with the means of egress or escape from any building or other premises, or access to any part of the building or premises by the fire department. Doors and windows designated as exits shall be kept clear at all times.

- b) Egress Route Information. Licensees and Agents shall be responsible for ensuring that egress routes are clearly marked and identified.

Licensees or Agents shall establish and post an Evacuation Plan in compliance with the NFPA Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least four Evacuation Drills a year held quarterly and submit documentation to Fire Prevention showing that they have been done.

Licensees or Agents shall ensure that exit signs and emergency lighting along the egress routes are in good working order at all times.

- c) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.



**17-147. License Application and Renewal Requirements.**

- e) Application Requirements. The Licensing Board shall establish application forms and procedures for application filing that at minimum adequately address the following:
- i. Incomplete applications shall not be accepted.
  - ii. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling, or revoking a license already granted.
  - iii. No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license.
  - iv. At minimum the application for a Licensee must contain the following documents:
    - i. Personal information for the licensee and any resident supervising agent(s) at the time of application
    - ii. Contact information for resident supervisor whether licensee or agent
    - iii. Resume
    - iv. Professional References
    - v. Copy of House Rules
    - vi. Copy of Electrical Use Policy
    - vii. Copy of Evacuation Plan
    - viii. Application filing fee
  - v. At a minimum, the application for a Resident Supervising Agent shall include:
    - i. Personal information
    - ii. Contact information
    - iii. Resume
    - iv. Professional References
    - v. Application filing fee
- f) Fees. Inspection and License fees shall be in an amount established by the City Council. Licensing Board Filing fees shall be in an amount established by the Licensing Board.
- vi. Inspection fees are non-returnable once an application has been accepted by the Inspectional Services Department.
  - vii. Annual license fees shall be paid upon application for License or License Renewal.
- g) City Inspections and Reports. All licensed premises shall be inspected by the City of Newton prior to initial license, and annually thereafter. Annual Inspections shall be conducted by the Inspectional Services Department, Health and Human Services Department, and Fire Department coordinated as a one-time inspection. The above departments may conduct additional inspections as may be required to ensure safety and compliance with local ordinances, including zoning. All inspecting departments shall keep records of annual inspections and visits to the property throughout each year.
- The following City departments shall provide a report to the Licensing Board prior to license renewal, Inspectional Services, Fire, Health and Human Services, Treasurer/collector, and Planning Department as appropriate.
- h) Licensing Board Process Requirements. The Licensing Board shall establish procedures for assessing Lodging House License applications and conduct the meetings in accordance with established rules. The Licensing Board shall approve/deny applications for both licensees and their resident supervising agent(s).

The Licensing Board shall hold a public hearing on each application for a new licensee or agent. Public hearing notice requirements shall mirror those for special permits.

The Board shall not reconsider any matter already determined by the City Council or any other Department of the City.

Renewal schedule to be set by the Licensing Board.

- i) Denial of Licenses or Renewal Applications. The Licensing Board may deny an application for a license or renewal or may suspend a license where there is just cause for doing so. A public hearing must be held prior to denial of an application. Public hearing notice requirements shall mirror those for special permits.

#### **Sec. 17-148. Violations.**

a) Violations of building, health, or fire code, may result in license review by the Licensing Board. Violation notices for licensed lodging houses from Inspectional Services, Health and Human Services, or the Fire Department shall be promptly forwarded to the Licensing Board for consideration.

b) In addition to the penalties for code and ordinance violations established by the Commonwealth of Massachusetts and City of Newton, the Licensing Board shall have the authority to issue the following penalties for violations of these regulations after notice of hearing and opportunity to be heard.

- i. More than three (3) code violations not addressed within 30 days of inspection unless a correction plan is approved by the Inspectional Services Department or Fire Prevention Bureau as appropriate...\$300 Fine
- ii. More vehicles stored on the premises than allowed on the premises by zoning on (3) or more occasions as recorded by the Inspectional Services Department...\$300 Fine
- iii. More residents on the premises than allowed on two (2) or more occasions as recorded by the Inspectional Services Department...\$300 Fine
- iv. If two (2) or more of the above fines are warranted in any 12-month period or if three (3) or more of the above fines are warranted in a 36-month period...Denial of License Renewal.

#### **Sec. 17-149. Reserved.**

## **Chapter 17 – Licensing and Permits Generally**

### **Art. II. Fees for licenses and permits, 17-2—17-21**

#### **Sec. 17-3. Fees for certain licenses and permits.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- ...
- (8) Lodging house licenses ..... \$50.00
- (#) Dormitory license..... \$50.00

#### **Sec. 17-10. Fees to be paid to the fire department.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the fire chief for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- ...
- (b) Inspection fees:

#### **Sec 17-16. Fees for interdepartmental inspections.**

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be a fee paid on an annual basis or unless otherwise noted to the Commissioner of Inspectional Services for each of the following interdepartmental inspections:

- (1) Lodging House Inspection Fee.....\$300.00

### **Article VI. Lodging Houses, §§ 17-138 – 17-147**

Div. 1. Generally, §§17-138 – 17-142

Div. 2. Licenses, §§17-143 - 17-147

#### **DIVISION 1. GENERALLY**

##### **Sec.17-138. Definitions.**

- a) Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.
- b) Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing or

rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; fraternity houses; or hotels.

*State law reference* – M.G.L. c. 140, §22, minus fraternity houses and dormitories of educational institutions

- c) Rooming Unit: The room or group of rooms rented to an individual or household for use as living and sleeping quarters.
- d) Enhanced Single Room Occupancy Units (E-SROs): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit.  
*State law reference* - M.G.L. c.140, §22A – cooking facilities

#### **Sec. 17-139. Requirements for all Lodging Houses.**

- a) Common facilities. At minimum the following common facilities are required:
  - i. Kitchen for use by all residents that includes food storage and cooking facilities in compliance with the State Sanitary Code.
  - ii. Bathrooms shall be provided in compliance of all applicable codes. Bathrooms shall be provided on the same floor as the associated rooming unit.
- b) Facilities in Rooming Units.
  - i. Rooming Units, unless considered E-SROs, shall not include cooking facilities (convection microwaves, stoves, ranges, toasters, etc.) but may include food storage and non-cooking appliances (e.g. mini-fridge, coffee maker, blender, non-convection microwave) in compliance with the licensee's approved electrical policy (see Sec. 17-144).
  - ii. Rooming units shall have individual keyed locks. Resident supervising agent shall keep the master key (Resident Supervising Agent defined in Sec. 17-144).
  - iii. Rooming Units may include private bathrooms.
- c) Number of Residents. The maximum number of residents in any rooming unit shall be determined by the State Sanitary Code. The maximum number of adult residents at any Lodging House shall be in accordance with requirements in the Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.

#### **Sec. 17-140. Requirements for Enhanced Single Room Occupancy Units (E-SROs).**

Licensed lodging houses may provide E-SROs under the following requirements and in accordance with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the city.

- a) Life Safety. Inclusion of one or more E-SRO unit in a lodging house shall trigger compliance with minimum life safety requirements applicable to new construction for R-1 occupancies as required in the State Building Code. All E-SRO units shall have two independent means of egress from the unit.
- b) Cooking facilities. Cooking facilities in E-SRO units shall consist of a mini-kitchen providing a sink with hot and cold water, food storage area, refrigerator, and electric cook top with a maximum of 2 burners. Ovens and ranges shall not be permitted. Microwaves with or without convection and other accessory appliances shall be permitted in compliance with the licensee's approved electrical use policy.
- c) Dimensional requirements. Each E-SRO shall have a minimum of 175 square feet.

- d) Max. number of E-SROs. In accordance with MGL c. 140 §22A , only a lodging house letting to more than 5 but less than 20 persons may furnish individual cooking facilities.
- e) Inclusionary Units. E-SRO units that include full living, cooking, and washing facilities, shall be subject to the Inclusionary Housing Section of the Zoning Ordinance (Chapter 30, Section 5.11).

**Sec. 17-141. Compliance with City Ordinances and State and Local Codes.**

- a) All lodging houses shall comply with the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- b) All lodging houses shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the city.

**Sec. 17-142. Reserved.**

**DIVISION 2: LICENSES**

**Sec. 17-143. License Required.**

- a) No person shall operate or cause to be operated a Lodging House unless licensed by the Licensing Board of the City of Newton.
- b) Transfer/Sales of Licenses. No licensee may transfer to another person or entity a license issued pursuant to these regulations except upon application to and approval of the transfer by the Licensing Board. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise ordered by the Board.

All Licenses are specific to an individual property and shall not be transferred between properties without approval of the Licensing Board.

- c) Display of Licenses. All licenses issued by the City pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.
- d) Taxes and Charges. All taxes and charges owed to the City by the Licensee must be paid on a current basis to receive or renew a license. The City may deny a license or license renewal if such charges or property taxes are not current.

**17-144. Requirements for Licensees and Agents.**

- a) Licensee, defined. That person(s) or entity listed on the lodging house license and the owners of the land and building where the lodging house is operated.
- b) Resident Supervising Agent, defined. That person designated by the licensee to carry out day to day responsibilities.
- c) Responsibility of Licensee. The licensee shall be responsible for the proper supervision, operation, and maintenance of the lodging house in accordance with the requirements of these ordinances and all other pertinent laws, regulations, and codes. The appointment of

an agent shall in no way relieve the licensee from responsibility for full compliance with the law.

- d) On-site supervision of the premises. Licensed premises must have supervision from a resident who shall be available on a 24-hour basis **via phone, or similar mobile communication device, for residents and city staff.** In the event that the licensee does not reside on the premises, the licensee shall designate one or more resident supervising agents **who do reside at the property.** The Licensing Board shall approve such agent(s).

Contact information for the resident supervisor, including cell phone or similar mobile communication device, as applicable, shall be posted in a conspicuous place inside the lodging house and provided to the Police Department, Health and Human Services Department, Fire Department, and Inspectional Services Department.

Resident supervisor, whether licensee or resident supervising agent, must respond to calls from City officials within a reasonable time: within one hour for emergencies and within 24 hours with respect to all other issues.

**In the event that no resident supervisor will be at the property for more than 48 hours, e.g. for a vacation, the licensee shall be responsible for ensuring continuity of management by informing residents and the City of Newton Health and Human Services Department and Police Department of the short term change, and by assuming the role of central point of contact should any issues arise.**

- e) Mandatory Certification for Licensees and Agents.
- i. All Licensees and their resident supervising agent(s) shall complete a two-step certification program to acquaint them with important aspects of their roles with regard to ensuring resident safety and compliance with City ordinances. Certification program materials will be developed by the Newton Inspectional Services Department along with representatives from the Health and Human Services Department, and Fire Department.
  - ii. All applicants for new licenses shall review guidance materials and complete a written certification test. Their completed test shall be submitted along with their application for review by the certifying departments and the Licensing Board.
  - iii. All applicants shall be required to complete an in-person certificate training program within the first year of their licensure. Such in person training shall be offered at least once per year and will be an instructional program that will educate the licensee and the agent(s) with regard to the requirements of these regulations and other laws or related topics that the City may deem necessary for the safe and proper operation of lodging houses.
  - iv. The Licensing Board may at its discretion allow an extension to allow a licensee or agent to complete the in-person certification training in the 2<sup>nd</sup> year of licensure. Failure to complete the in-person training may result in a fine of the licensee not to exceed \$500.00 or the suspension or revocation of the lodging house license, as the Licensing Board, after notice and hearing, may determine.
- f) Timeliness Requirements when there is a change of Licensee or Resident Supervising Agent. If at any time there is a change in the Licensee or Agent, the newly designated person(s) shall be required to notify the Licensing Board at least 48 hours prior to assuming responsibilities and receive their license within 60 days.

**17-145. Responsibilities of Licensees and Resident Supervising Agents regarding Residents.**

- a) Agreements with Residents. Licensees shall have written agreements with lodgers and supply the Licensing Board a copy of agreements with lodgers and any related documents. Licensees may not enter into agreements with residents that are inconsistent with the terms of these regulations, including, but not limited to, the regulations requiring licenses to inspect occupied and unoccupied rooming units and requiring licensees to institute certain House Rules.
- b) Minors. No room shall be let to any unemancipated person who is younger than eighteen (18) years of age.
- c) Occupancy. No licensee shall vary the occupancy of the licensed premises as certified by the Inspectional Services Department.
- d) Resident and Guest Registries. The licensee of every lodging house shall keep or cause to be kept, in permanent form, a registry of residents. Such register shall contain the true name or name in ordinary use and the last residence of every person engaging or occupying a private room together with a true and accurate record of the room assigned to such person and of the day and hour of move-in and move-out. The entry of names of the residents shall be made by the residents themselves. Copies of these records shall always be maintained and be available for inspection by any City official.

Guests shall be registered in a separate guest registry with day and time of entry and exit listed.

- e) House Rules. Licensees and their agent(s) shall institute house rules as necessary to prevent the lodging house from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.
  - i. House rules should make residents aware of the City's ordinances and the licensee's policies, which shall be in writing and be reviewed by the Inspectional Services and Planning Departments. At a minimum, house rules shall adequately address the following:
    - 1. Noise control, including use of audio equipment that may disturb the peace;
    - 2. Adherence to laws regarding disorderly behavior;
    - 3. Proper garbage disposal and sanitary storage of food;
    - 4. Cleanliness of rooming units and common areas;
    - 5. Unobstructed egress paths.
    - 6. Compliance with Electrical Use Policy.
    - 7. Prohibition of use of fire escapes for general access to rooming units.
    - 8. Prohibition of tampering or removal of life safety devices.
    - 9. Guest policy.
    - 10. Pet policy.
    - 11. Any other provisions as may be required by the Licensing Board or City Officials.
    - 12. Consequences for repeat violations of the House Rules or the requirements of these regulations, up to and including eviction.
  - ii. Licensees or agents shall ensure all residents are aware of the rules by distributing them at move-in, posting them in a visible place in the common area, and distributing updated copies when changes are made.

- iii. Any change to the house rules shall be submitted to the Inspectional Services and Planning Departments for review.
- f) Electrical Use Policy. Licensees and their agent(s) shall institute an electrical use policy to prevent the lodging house from being a fire risk to the residents and neighborhood.
  - i. Licensees and their agent(s) shall institute an electrical use policy to be approved by the Fire Prevention Bureau and Inspectional Services Departments. At a minimum, electrical use policies shall adequately address the following:
    - 1. Prohibition of use of portable heaters.
    - 2. Prohibition of use of candles or other items that require burning (incense, odor oils, etc.).
    - 3. Prohibition of use of cooking appliances other than non-convection microwaves in rooming units, including prohibition of: toasters, toaster ovens, electric hot plates, gas plates, ovens, stoves (including stoves using sterno or other fuel), or grills. The licensee may, at his/her discretion, prohibit the use of non-convection microwaves in rooming units.
  - ii. Licensees or agents shall ensure all residents are aware of the electric use policy by distributing it at move-in, posting it in a visible place in the common area, and distributing updated copies when changes are made.
  - iii. Any change to the electrical use policy shall be submitted to the Inspectional Services Department and Fire Prevention Bureau for review.

#### **17-146. Responsibilities of Licensees and Agents regarding Property Maintenance & Management.**

- a) Egress from and Access to Building. Licensees and Agents shall be responsible for ensuring that adequate egress is provided. A minimum of two means of egress shall be provided from each occupied story of a lodging house. No private room shall be used as access to a required fire escape except that additional egress shall be provided to E-SROs in accordance with Sec. 17-140.

Licensees and Agents shall promptly remove any obstacle that may interfere with the means of egress or escape from any building or other premises, or access to any part of the building or premises by the fire department. Doors and windows designated as exits shall be kept clear at all times.

- b) Egress Route Information. Licensees and Agents shall be responsible for ensuring that egress routes are clearly marked and identified.

Licensees or Agents shall establish and post an Evacuation Plan in compliance with the **National Fire Protection Association** Protocol for residential occupancies on all levels of the building and near all exits. The facility is required to conduct at least four Evacuation Drills a year held quarterly and submit documentation to Fire Prevention showing that they have been done.

Licensees or Agents shall ensure that exit signs and emergency lighting along the egress routes are in good working order at all times.

- c) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

#### **17-147. License Application and Renewal Requirements.**



- e) Application Requirements. The Licensing Board shall establish application forms and procedures for application filing that at minimum adequately address the following:
- i. Incomplete applications shall not be accepted.
  - ii. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling, or revoking a license already granted.
  - iii. No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license.
  - iv. At minimum the application for a Licensee must contain the following documents:
    - i. Personal information for the licensee and any resident supervising agent(s) at the time of application
    - ii. Contact information for resident supervisor whether licensee or agent
    - iii. Resume
    - iv. Professional References
    - v. Copy of House Rules
    - vi. Copy of Electrical Use Policy
    - vii. Copy of Evacuation Plan
    - viii. Application filing fee
  - v. At a minimum, the application for a Resident Supervising Agent shall include:
    - i. Personal information
    - ii. Contact information
    - iii. Resume
    - iv. Professional References
    - v. Application filing fee
- f) Fees. Inspection and License fees shall be in an amount established by the City Council. Licensing Board Filing fees shall be in an amount established by the Licensing Board.
- vi. Inspection fees are non-returnable once an application has been accepted by the Inspectional Services Department.
  - vii. Annual license fees shall be paid upon application for License or License Renewal.
- g) City Inspections and Reports. All licensed premises shall be inspected by the City of Newton prior to initial license, and annually thereafter. Annual Inspections shall be conducted by the Inspectional Services Department, Health and Human Services Department, and Fire Department coordinated as a one-time inspection. The above departments may conduct additional inspections as may be required to ensure safety **and compliance with local ordinances, including zoning**. All inspecting departments shall keep records of annual inspections and visits to the property throughout each year.

The following City departments shall provide a report to the Licensing Board prior to license renewal, Inspectional Services, Fire, **Police**, Health and Human Services, Treasurer/collector, and Planning Department as appropriate.

- h) Licensing Board Process Requirements. The Licensing Board shall establish procedures for assessing Lodging House License applications and conduct the meetings in accordance with established rules. The Licensing Board shall approve/deny applications for both licensees and their resident supervising agent(s).

The Licensing Board shall hold a public hearing on each application for a new licensee or agent. Public hearing notice requirements shall mirror those for special permits.

The Board shall not reconsider any matter already determined by the City Council or any other Department of the City.

Renewal schedule to be set by the Licensing Board.

- i) Denial of Licenses or Renewal Applications. The Licensing Board may deny an application for a license or renewal or may suspend a license where there is just cause for doing so, including non-compliance with these regulations. A public hearing must be held prior to denial of an application. Public hearing notice requirements shall mirror those for special permits.

**Sec. 17-148. Violations.**

- a) Violations of building, health, or fire code, may result in license review by the Licensing Board. Violation notices for licensed lodging houses from Inspectional Services, Health and Human Services, or the Fire Department shall be promptly forwarded to the Licensing Board for consideration.
- b) In addition to the penalties for code and ordinance violations established by the Commonwealth of Massachusetts and City of Newton, the Licensing Board shall have the authority to issue the following penalties for violations of these regulations after notice of hearing and opportunity to be heard.
  - i. More than three (3) code violations not addressed within 30 days of inspection unless a correction plan is approved by the Inspectional Services Department or Fire Prevention Bureau as appropriate...\$300 Fine
  - ii. More vehicles stored on the premises than allowed on the premises by zoning on (3) or more occasions as recorded by the Inspectional Services Department...\$300 Fine
  - iii. More residents on the premises than allowed on two (2) or more occasions as recorded by the Inspectional Services Department...\$300 Fine
  - iv. If two (2) or more of the above fines are warranted in any 12-month period or if three (3) or more of the above fines are warranted in a 36-month period...Denial of License Renewal.

**Sec. 17-149. Reserved.**