



Programs & Services Committee Report

City of Newton In City Council

Wednesday, October 18, 2023

Present: Councilors Krintzman (Chair), Humphrey, Wright, Albright, Baker, and Greenberg

Absent: Councilors Noel and Ryan

City Staff: Jonah Temple, Deputy City Solicitor; Katie Whewell, Chief Planner for Current Planning; Anthony Ciccariello, Commissioner of Inspectional Services; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Programs and Services Committee - October 18, 2023 - YouTube](#)

#314-23 Discussion and Possible Creation of Ordinance Regarding Vibration Control Measures

HER HONOR THE MAYOR requesting the discussion and possible creation of an ordinance that would require control measures for construction activities that cause vibrations in both by-right and special permit projects.

Action: Programs & Services Held 6-0

Note: Katie Whewell, Chief Planner of Current Planning, outlined that vibration control measures were originally implemented as a condition for special permit projects beginning in December 2021. Ms. Whewell described that the one-size-fits-all approach in the special permit condition did not capture the unique site conditions and construction methods of a project. The proposed ordinance will apply to by-right and special permit projects that require the driving of piles or piers, the removal or alteration of ledge, or soil reinforcement or compaction by vibratory roller. Compaction of soil for decks, patios, landscaping work, sidewalks, driveways, retaining walls, or accessory buildings under 700 sf are exempted from this ordinance. The version that had appeared in the Friday Packet had been amended to include this exemption for smaller projects along with allowing a geotechnical engineer to sign off that vibration control measures are not necessary for a project.

During the discussion, Councilors recommended multiple amendments to the proposed ordinance. These include; notifying abutters of the work causing the vibrations and of the study results, referencing industry standards for geotechnical engineers, additional protections for historic properties, and having the accessory building exemption be consistent with the Accessory Dwelling Unit Ordinance in Chapter 30 Sec. 6.7.1. A Councilor asked if this ordinance would apply to projects under active construction. Jonah Temple, Deputy City Solicitor, stated that an effective date would be added to this ordinance to not have it apply to projects under

active construction. Attorney Temple also recommended that the notification be sent out by the applicant. If an affected party wishes to seek remediation for damages caused that will be through private litigation and not handled by the City.

Councilors voted 6-0 on a motion to hold from Councilor Humphrey.

#88-22 Request for a study on construction vibration standards

COUNCILORS ALBRIGHT, BAKER, BOWMAN, DOWNS, GREENBERG, HUMPHREY, LAREDO, LEARY, MALAKIE, NORTON, RYAN based on the Washington Place Liaison Committee recommendations, requesting the study, analysis, review of vibration standards related to construction projects as they affect neighboring buildings. The outcome of this analysis could be an amendment to Chapter 20, Sec. 13-22 Noise, to include a vibration section in construction projects.

Action: Programs & Services Held 6-0

Note: This item was discussed concurrently with item #314-23. A written report can be found with item #314-23.

The meeting adjourned at 7:51pm.

**Respectfully Submitted,
Josh Krintzman, Chair**



City of Newton
Planning and Development

Programs and Services
October 18, 2023

Petition #88-22 Request for a study on construction vibration standards

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Petition #314-23 Discussion and Possible Creation of Ordinance Regarding Vibration Control Measures

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Evolution of Mitigation for Vibratory Impacts

~June 2021

Discussions around a standard special permit condition for vibration control begin

Land Use Committee

February 2023

Standard conditions discussion
Vibration Control condition split.
Result: \$100,000 mitigation fund applies to projects 25+ units
Land Use Committee

July 25, 2023

Approval of modified condition for three development projects.

Land Use Committee

December 2021 - March 2022

Implementation of condition; 1114 Beacon St (34 units) December 2021 and 383 Boylston Street (12 units) March 2022

Land Use Committee

June 9, 2023

City Staff in Engineering, Planning, Public Buildings, Law, and Inspectional Services met to discuss Committee feedback and possible solutions

City Staff

Fall 2023

Discussion around Vibration Control Ordinance for special permit and by right projects.

Programs and Services Committee

Analysis

Prior Special Permit Standard Condition

Only applies to special permit projects, does not capture by right projects.

One size fits all approach does not capture conditions unique to the site and construction methods.

Based off state blasting regulations and previously applied \$100k vibration mitigation fund to smaller projects to reflect decision to institute a threshold based on units.

Proposed Ordinance

(more recent version than packet)

Prior to the issuance of a demolition or building permit for any demolition, site work, or construction activities that require (i) the driving of piles or piers, (ii) the removal or alteration of ledge, or (iii) soil reinforcement or compaction by vibratory roller, other than compaction of soil for decks, patios, landscaping work, sidewalks, driveways, retaining walls or accessory buildings under 700 square feet, applicants shall submit the following to the Commissioner of Inspectional Services:

Requires a licensed and insured geotechnical professional to evaluate methods of construction and site conditions to inform vibration control plan.

Will apply to special permit and by right projects.

On special permit projects, City Council may still incorporate previously used measures such as mitigation fund, where appropriate.

3

Most Recent Version Sec. 5-23

Alters Sec 5-23: (a) Prior to the issuance of a demolition or building permit for any demolition, site work, or construction activities that require (i) the driving of piles or piers, (ii) the removal or alteration of ledge, or (iii) soil reinforcement or compaction by vibratory roller, other than compaction of soil for decks, patios, landscaping work, sidewalks, driveways, retaining walls or accessory buildings under 700 square feet, applicants shall submit the following to the Commissioner of Inspectional Services:

Adds: (b) As an alternative to the required vibration control plan and other required submissions set forth in Sec. 5-23(a) above, the applicant may submit a signed and stamped letter from a licensed and insured geotechnical consultant stating that a vibration control plan and monitoring are not necessary based on the scope of the work, site conditions or construction methods. Such letter must detail the basis of the opinion that no vibration control plan, monitoring or controls are necessary. No additional submissions will be required unless the Commissioner of Inspectional Services or their designee determines that compliance with Sec. 5-23(a) is necessary due to the nature of site or the proposed work.