



# Programs & Services Committee Agenda

## City of Newton In City Council

Wednesday, June 22, 2016

7:45 PM  
Room 211

### Items Scheduled for Discussion:

*The Programs & Services and Public Facilities Committees will meet jointly on this item:*

#### Referred to Programs & Services, Public Facilities and Finance Committees

##### **Request for CPA funding for the Newton Highlands Playground**

- #357-15** COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]

**Chairman's Note:** There will be a follow-up discussion with Commissioner DeRubeis relative to the Big Belly trash compactor installation.

- #31-15** **Proposing an ordinance to limit leaf blower use**  
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]

- #31-15(2)** **Amend Noise Ordinance restrictions for yard maintenance equipment**  
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

#### Referred to Programs & Services and Finance Committees

- #31-15(4)** **Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste**  
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]

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

**Items Not Scheduled for Discussion at this meeting:**

**Referred to Programs & Services, Public Facilities and Finance Committees**

- #175-16**      **Authorization to enter into a settlement agreement with National Grid.**  
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]
- #158-16**      **Ordinance to require notice on gas pumps relative to climate change**  
COUNCILORS NORTON AND SANGIOLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles. [04/25/16 @ 9:02 AM]
- #56-16**      **Ordinance amendment to add statutory references to policy on housing practices**  
COUNCILOR HESS-MAHAN requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance. [02/08/16 @ 1:51 PM]
- #37-16**      **Resolution to state officials requesting a carbon fee**  
COUNCILOR NORTON requesting a Resolution to state officials calling for a fee on carbon to curb climate change. [01/22/16 @ 10:34 AM]
- #36-16**      **Resolution to state officials supporting fossil fuel divestment**  
COUNCILOR NORTON requesting a Resolution to state officials supporting fossil fuel divestment. [01/22/16 @ 10:34 AM]

**Referred to Programs & Services and Public Facilities Committees**

- #27-16**      **Updates from the Administration on the renovations at the Aquinas site**  
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site. [01/10/16 @ 1:14 PM]

**Referred to Programs & Services and Public Safety & Transportation Committees**

- #312-15**      **Update from Health Department on opiate overdose epidemic**  
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide.

**Referred to Programs & Services and Public Facilities Committees**

- #201-15**      **Discussion of the condition of the Kennard Estate on Dudley Road**  
ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #141-15**      **Discussion on tracking the gas utility infrastructure in Newton**  
ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.  
05/26/15 @ 2:53 PM]

**Referred to Public Facil, Programs & Services and Public Safety & Trans Committees**

- #46-15**      **Discussion of parking options and permits at municipal & school parking lots**  
ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @1:35 PM]

- #483-14**      **Resolution to promote cooperative programs with food establishments**  
PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56 PM]

**#377-14 Discussion of proposed changes of use of the Senior Center**

THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#216-14

ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @11:51 AM]  
FINANCE VOTED NO ACTION NECESSARY 7-0 12/14/15

**REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES**

#119-14

ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

#398-13

ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

#34-13

ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

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

#229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

**REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @11:07 AM]

**Respectfully Submitted,**

**John B. Rice, Chair**



Setti D. Warren  
Mayor

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

DOCKET  
357-15

#357-15  
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(617) 796-1120  
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(617) 796-1142  
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www.newtonma.gov

Barney S. Heath  
Director

**Community Preservation Committee  
Funding Recommendation for  
NEWTON HIGHLANDS PLAYGROUND REHABILITATION (CONSTRUCTION)**

date: 8 June 2016

from: Community Preservation Committee

to: The Honorable City Council

**PROJECT GOALS & ELIGIBILITY**

This project will implement the CPA-funded design for the rehabilitation of Newton Highlands/Joseph Lee Playground off Upland Road, near the corner of Winchester and Dedham Streets. The project will create a new drainage and stormwater management system; a new Little League field and a new natural turf multi-purpose field for soccer, football and lacrosse; lights for night play on the fields; a new tot lot; new basketball and tennis courts; and a new support building with restrooms, changing rooms and storage. Accessible pathways will cross and surround the site. Paths on the wooded hillside will be improved but will not be expanded.

The project's CPA eligibility, as the rehabilitation of recreation land, was established for its design phase.

**RECOMMENDED FUNDING**

On December 10 by a vote of 7-1 (Beryl Gilfix opposed, Laura Fitzmaurice absent) the Community Preservation Committee recommended appropriating \$2,500,000 for this project from the Community Preservation Fund's open space/recreation reserve and unrestricted fund balance and reserve to the control of the Parks & Recreation Department for any purpose included implicitly in the following summary budget:

**Newton Highlands Playground Rehabilitation - Construction Budget**

Uses of Funds			
Site preparation, demolition, earthwork & drainage, general site improvements	\$1,350,000	Electrical work (including overhead lights)	\$360,000
		Mobilization, Overhead and Profit (15%)	\$386,894
Plantings	\$270,000	Contingency (10%)	\$257,556
Playing fields & courts	\$283,000	Construction Admin. - Weston & Sampson	\$110,550
Park support building	\$312,000	Project Mgmt. - Parks & Recreation Dept.	\$12,500
Subtotal	\$2,215,000	<b>Total Uses</b>	<b>\$3,342,500</b>
Sources of Funds			
<b>CPA</b>			<b>\$2,500,000</b>
Parks & Recreation Dept. Operating Budget			\$12,500
Community Fundraising (\$44,000 in addition to \$10,000 listed in proposal)			\$54,000
Other sources, including CDBG (CDBG amount to be determined)			\$776,000
<b>Total Sources</b>			<b>\$3,342,500</b>

website [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa)

contact Alice E. Ingerson, Community Preservation Program Manager

email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) phone 617.796.1144

## SPECIAL ISSUES CONSIDERED BY THE CPC

**Project Need:** Newton Highlands Playground has long been the Parks & Recreation Dept.'s top capital spending priority. Because the Dept. has been unable to maintain the site adequately for many years, the fields are now barely usable or safe. Once it is fully rehabilitated, however, this site will significantly narrow – though it cannot completely fill – the gap between Newton's rapidly growing demand for organized outdoor recreation and the City's finite supply of public outdoor recreation facilities.

**Project Budget:** In response to CPC questions, the project team acknowledged that it might be possible to complete the project for less than the total CPA funding originally requested. As one example, CPC vice chair Jane Sender suggested that younger trees could probably be planted and maintained not only at a lower cost but more successfully in the long term than the mature trees included in the current planting budget.

**Reliance on CPA Funds:** Even after finding additional private donations at the CPC's urging, the Parks & Recreation Dept. requested CPA funding for over 99% of this project's costs. The CPC's recommendation for 75% CPA funding is intended, not as a criticism of this project, but to preserve funds for Newton's other CPA-eligible needs. Member Beryl Gilfix voted against the recommendation because she would have preferred to see the project use an even lower proportion of CPA funding.

Based on current funding forecasts, the *Community Preservation Plan* targets approximately \$5 million for the rehabilitation of Parks & Recreation facilities over the next 5 years. The current 5-year *Capital Improvement Plan*, as corrected by Commissioner DeRubeis, lists about \$14 million of potential CPA funding requests for this purpose over the next 5-6 years, including historic buildings that serve Parks & Recreation. The *Community Preservation Plan's* targets also differ significantly from the total potential CPA requests in the *CIP* for the Public Buildings Dept. (see attached excerpt from the *Community Preservation Plan*). To guide the submission of future City proposals, the CPC hopes that both the total of potential CPA requests and funding expectations for particular resources in the *CIP* can be revised to align more closely with the funding forecasts and allocation targets in the *Community Preservation Plan*.

### ADDITIONAL RECOMMENDATIONS (*funding conditions*)

1. The CPC assumes all recommended funds will be appropriated within 6 months, and the project will be completed within 18 months, after the date of this recommendation. If either of these deadlines cannot be met, Parks & Recreation should submit a written request to the CPC to extend that deadline.
2. Immediately after completing the project, the Parks & Recreation Dept. should present an in-person and written final report of project results to the CPC, including a comparison of budgeted to actual expenditures and any updates to the department's list of potential future CPA requests in the *Capital Improvement Plan*.
3. Any CPA funds appropriated but not used for the purposes stated herein should be returned to the Newton Community Preservation Fund.

### KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on how well it meets goals 1 and 2 above.

### ATTACHMENTS

(delivered to the clerks of the Programs & Services, Public Facilities and Finance Committees)

- Five-year potential proposals and target allocations from *Community Preservation Plan*
- Copy of the CPC's project webpage for Newton Highlands Playground, with links to additional information: [www.newtonma.gov/gov/planning/cpa/projects/upperfalls.asp#Highlands-construction](http://www.newtonma.gov/gov/planning/cpa/projects/upperfalls.asp#Highlands-construction)
- Slide presentation to CPC public hearing on 10 December 2015
- Proposal and supporting materials submitted to the CPC

All **public comments** received were supportive, other than those of the League of Women Voters, which supported the project while questioning its heavy reliance on CPA funds. All comments received in writing are on the webpage above, though they have not been included in the Council's packet.

Newton, Massachusetts CPA program project webpage  
**bold, green text** links to full-text documents

## Newton Highlands Playground (Joseph E. Lee Playground)

Winchester & Dedham Streets, Newton, MA 02461

### goals:

Implement the 2008 CPA-supported master plan below by: rehabilitating this community park to improve the usability, accessibility, and aesthetics of the playing fields; installing new play equipment; and rehabilitating existing woodland paths.

### design & construction funding, updated December 2015:

- \$200,000 CPA funds for design (appropriated)
- \$2,500,000 CPA funds for construction (recommended)
- \$66,500 non-CPA funding - City staff time for project mgmt. & private community fundraising
- \$2,766,500 TOTAL IDENTIFIED PROJECT FUNDING

### contact:

- Commissioner of Parks & Recreation  
 City of Newton  
 246 Dudley Road  
 Newton, MA 02459  
 email: [bderubeis@newtonma.gov](mailto:bderubeis@newtonma.gov)  
 phone: 617.796.1500

## Proposal Review & Appropriations - Final Design

### 2013

14 February 2013 - [final design pre-proposal](#), with large-scale [aerial photograph & map](#) and [site photographs](#)

13 November 2013 - [final design full proposal](#), including: project summary, budgets, letters of support, supporting [photos & maps](#) *This large file may load slowly.*

### 2014

22 January 2014 - [slide presentation to CPC public hearing](#) and [minutes of CPC public hearing](#)

3 February 2014 - [additional letters of support](#)

March 2014 - [updated project budgets & response to CPC/community questions](#)

1 April 2014 - [CPC funding recommendation](#)





22 April 2014 - **Board order** (appropriation)

11 December 2014 - **CPC agreement to revised funding conditions** (elimination of non-CPA matching funds)

## Proposal Review & Appropriations - Construction

12 November 2015 - **construction full proposal**, including: project summary, budgets, project team, site history, **city & state reviews of project design**

*Some files below are large and may load slowly. To see plans at full scale, set viewing to 100%.*

project plans :

- **color plans, maps & photos**
- **materials to be used**
- **grading plans**
- **planting plan**
- plans for **support building & irrigation**

project background reports:

- **geotechnical/engineering report**
- **existing building report & drainage report**

1 December 2015 - **additional community letters received by the CPC**

10 December 2015 - After this public hearing, the CPC voted 7-1 to recommend \$2,500,000 of funding for this proposal. The CPC docketed this amount with the City Council in December, but at the request of the Commissioner of Parks & Recreation, agreed to hold its written recommendation pending receipt of a final plan for the project, which might be phased or reduced in scope.

May 2016 - **Commissioner of Parks & Recreation updates to the CPC**

8 June 2016 - **CPC funding recommendation** (\$2.5 million)



SETTI D. WARREN  
MAYOR

# NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Road, Newton, MA 02459  
Office: (617) 796-1500  
TDD/TTY: (617) 796-1089  
parks@newtonma.gov



ROBERT J. DERUBEIS  
COMMISSIONER

May 20, 2016

Alice Ingerson  
CPA Program Manager  
Newton City Hall  
1000 Commonwealth Ave.  
Newton, Ma 02459

Dear Alice,

I am writing to inform you that the Parks & Recreation Department wants to secure the \$2,500,000 appropriation that was voted on by the CPC at the December 10, 2015 public hearing. ~~This recommendation has not been docketed with the City Council at this time, I do anticipate bringing it forward to the Council after meeting with the CPC.~~

This is a \$3,300,000 project, and I fully intend on continuing to pursue alternative funding sources in an attempt to get this project completed in an expeditious manner. I look forward to meeting with CPC at the next scheduled meeting.

Sincerely,

Robert J. DeRubeis

CPC staff correction:

The \$2.5 million recommendation voted by the CPC on 10 December 2015 was docketed with the City Council later that month and received docket number 357-15. The CPC then held its written recommendation at the request of Parks & Recreation.

cc: Carol Schein, Open Space Coordinator

COMMISSION MEMBERS	WARD 1 – BETHEL CHARKOUDIAN WARD 2 – ARTHUR MAGNI, CHAIRMAN WARD 3 – PETER JOHNSON	WARD 4 – PETER KASTNER WARD 5 – BYRON DUNKER WARD 6 – ANDREW STERN	WARD 7 – RICHARD TUCKER, VICE-CHAIR WARD 8 – DONALD FISHMAN SECRETARY-ROBIN MCLAUGHLIN
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ALTERNATES: MICHAEL CLARKE, JACK NEVILLE, SAM FIGLER, PAT PALMER



# NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd., Newton, MA 02459  
Office: (617) 796-1500 / Fax: (617) 796-1512  
TDD/TTY: (617) 796-1089  
parks@newtonma.gov



SETTI D. WARREN  
MAYOR

ROBERT J. DERUBEIS  
COMMISSIONER

May 31, 2016

Alice Ingerson, Ph.D.  
Community Preservation Program Manager  
1000 Commonwealth Avenue  
Newton, MA 02459

Dear Alice:

I am writing in preparation for the June 8, 2016 meeting of the CPC. The Committee has requested that I respond to questions posed regarding non-CPC funding sources and the work that is anticipated to be completed with CPC funds.

**Q.1 What are the funding sources you anticipate looking to for the difference between the original estimated \$3.3 million total project cost and the recommended \$2.5 million in CPA funds?**

I will look to the City to fund some of the shortfall through CIP. Athletic lights at other sites are already identified on the CIP. I would add these lights to the list and propose to move them in front of other sites that have existing lighting. The building would be another element that could be on the CIP. There has been discussion to reach out to business entities in the neighborhood through a fundraising effort. We would also revisit the leagues that will be regular users of the site. Newton West Little League paid for the lights at Lyons Field.

**Q. 2 What is the breakdown of which portions of the original scope of work you anticipate completing with the CPA funds, vs. which portions of that scope you anticipate completing with other funds?**

When concerns arose surrounding the amount of CPC funding that might be available, the department had to consider phasing this project. We reached out to Weston & Sampson and requested that they provide us with multiple renditions of possible phasing options that were feasible. They supplied us with three renditions, all containing pros and cons. The department felt that the one that allowed completion of both fields and hardscape was the one that had the most merit. This plan eliminates lights and the building. The lights are identified in the construction documents as a \$312,000 line item and the building is in at \$360,000.

COMMISSION  
MEMBERS

WARD 1 - BETHEL CHARKOUDIAN  
WARD 2 - ARTHUR MAGNI, CHAIRMAN  
WARD 3 - PETER JOHNSON

WARD 4 - PETER KASTNER  
WARD 5 - BYRON DUNKER  
WARD 6 - ANDREW STERN

WARD 7 - RICHARD TUCKER, VICE-CHAIR  
WARD 8 - DONALD FISHMAN  
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, JACK NEVILLE, SAM FIGLER, PAT PALMER

The plan would be to run conduit for the lights and the building so that these elements could be added without much disruption to what had already been completed. The ideal situation would be to have all the money in place prior to construction, so that we would not incur multiple stagings.

That being said, I am in front of you this evening requesting that the 2.5 million dollar CPC recommendation for Newton Highlands Playground Rehabilitation be forwarded to the City Council for their approval.

In closing, I want to thank the Community Preservation Committee for their time and effort in approving this project and for their generous funding allocation to help see this important community resource become a reality.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. DeRubeis". The signature is fluid and cursive, with a large initial "R" and "D".

Robert J. DeRubeis, Commissioner







Newton Highlands Playground Improvement Project | CPC Public Hearing | December 10, 2015



Lack of capital investment over a period of decades renders facilities substandard

Newton Highlands Playground Improvement Project | CPC Public Hearing | December 10, 2015



CPC Funding leveraging upgrades to Upland Avenue



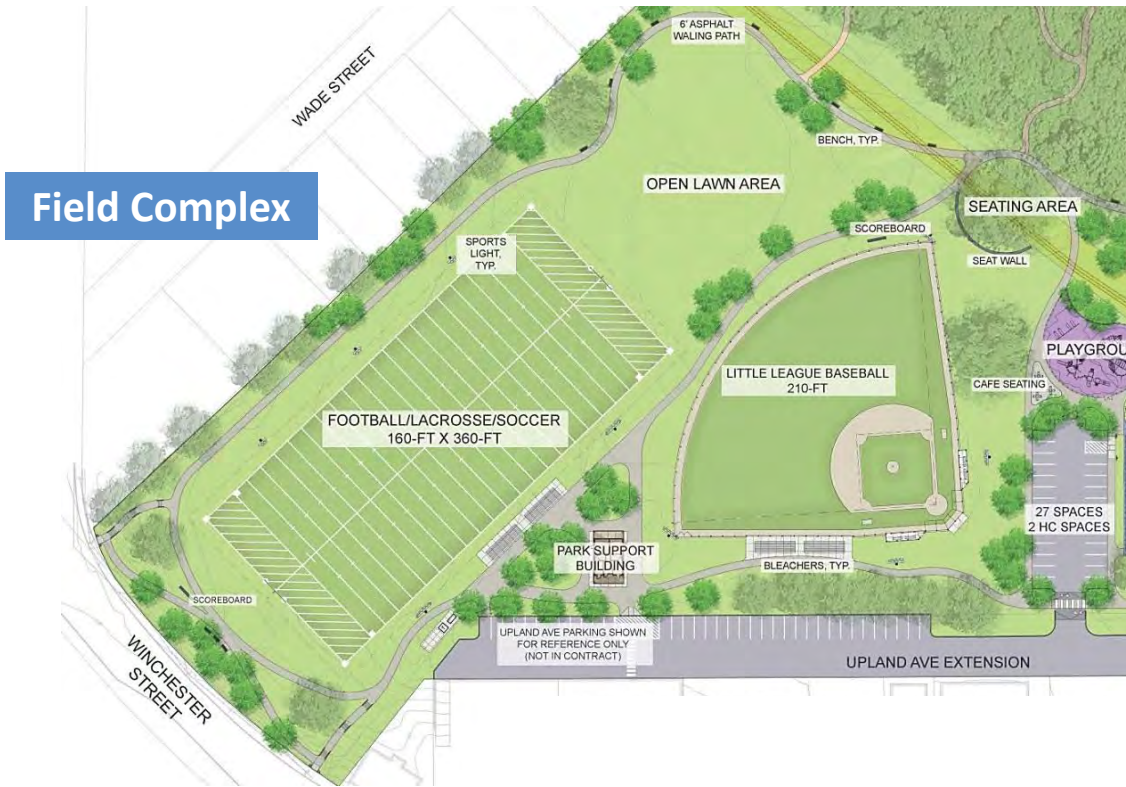
- Field Work (Test Pits, Soil Borings, Soil Testing, Utility Research)
- Well-drilling procurement
- Preliminary Design Drawings
- Design Development Drawings
- Final Design Drawings
- Construction Documents
- Newton Internal Department Technical Review Approvals
- DRC Approvals
- Conservation Commission Approvals
- Environmental Investigations (Structures)
- Utility Coordination, including EVERSOURCE
- Project Meetings (20 and counting)
- Public Facilities Approval (Board of Alderman Subcommittee)**
- Tentative Bidding Early 2016 | Construction 2016**



CPC Funded Design + Permitting Work Completed to Date



Overall Illustrative Site Plan

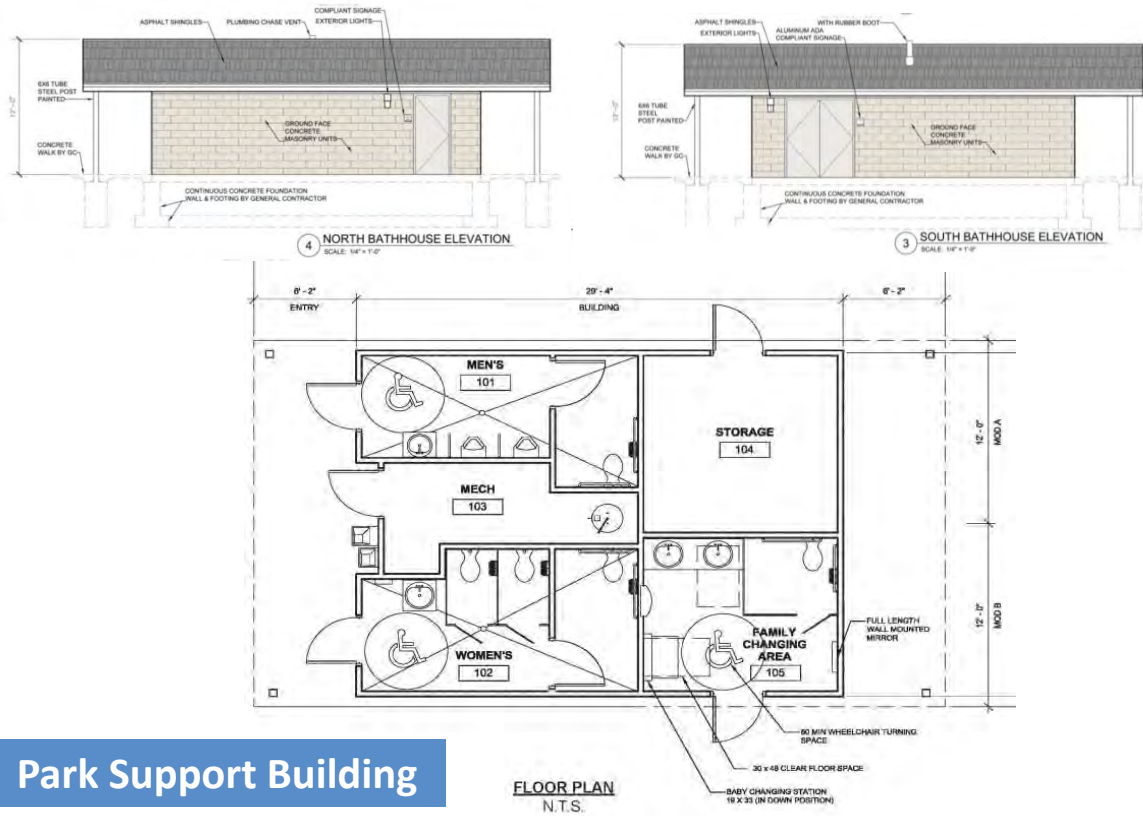


Field Complex Enlargement Plan



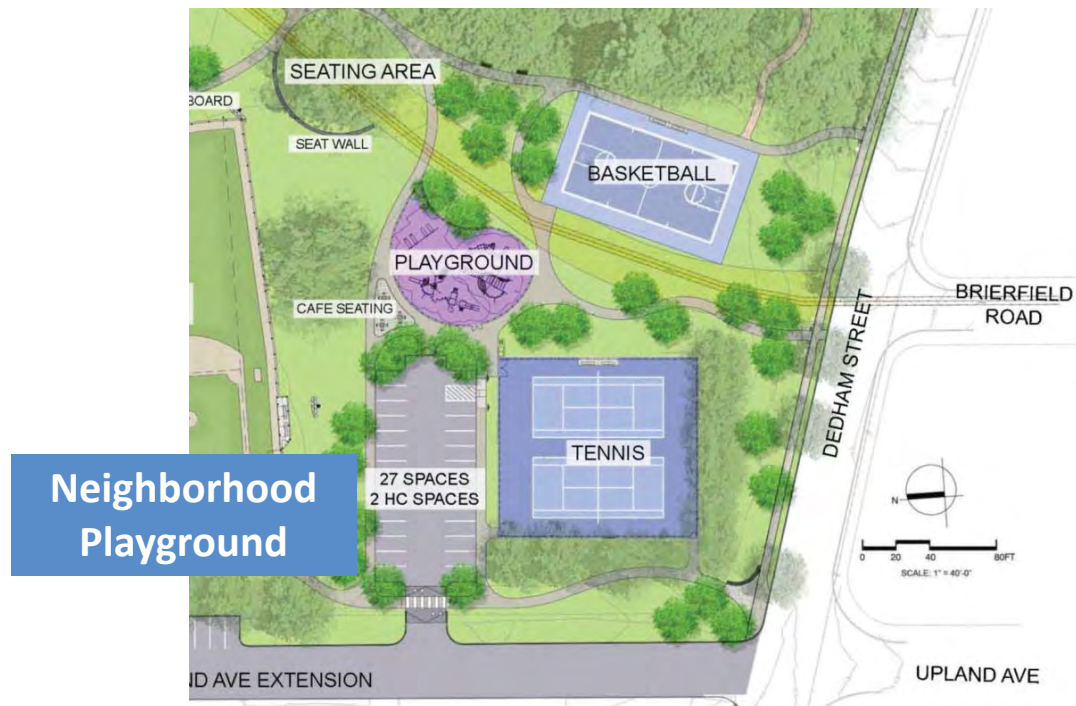
Winchester Street Illustrative View of Field Complex





**Park Support Building**

**Park Support Building | Elevations + Plan View**



**Neighborhood Playground**

**Neighborhood Playground Enlargement Plan**





**Neighborhood  
Playground**

**Playground Perspective View**



**Illustrative Views**

# Newton Highlands Playground Improvement Project

December 10, 2015

Thank You. Questions | Comments







SETTI D. WARREN  
MAYOR

## NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd, Newton, MA 02459

Office: (617) 796-1500

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parks@newtonma.gov



**NEWTON**  
Parks & Recreation  
ROBERT J. DERUBEIS  
COMMISSIONER

November 10, 2015

Alice E. Ingerson, Ph.D.  
Community Preservation Program Manager  
Newton Planning & Development Department  
City Hall, 1000 Commonwealth Ave.  
Newton, MA 02459

Dear Ms. Ingerson:

This letter is to confirm the Parks & Recreation Department has current custody and the commitment of staff time for project management of the Newton Highlands Project.

If you have any questions, please call the Parks & Recreation Office at 617.796.1500.

Sincerely,

Robert J. DeRubeis  
Parks & Recreation Commissioner



## Newton, Massachusetts Community Preservation Program FUNDING REQUEST

 PRE-PROPOSAL

 PROPOSAL

Last updated December 2014.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa) or contact us:

Community Preservation Program Manager,  
City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459  
[aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) 617.796.1144

#357-15

(For staff use)  
date rec'd:

2:30 pm  
12 Nov 2015

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

<b>Project TITLE</b>	<b>Newton Highlands Playground - Construction</b>			
<b>Project LOCATION</b>	Full street address (with zip code), or other precise location. Winchester and Dedham Streets, Newton Highlands 02461			
<b>Project CONTACTS</b>	Name & title or organization	Email	Phone	Mailing address
<b>Project Manager</b>	Carol Schein, Open Space Coordinator	<a href="mailto:cschein@newtonma.gov">cschein@newtonma.gov</a>	617-796-1507	Parks and Recreation Dept. 246 Dudley Road Newton, MA 02459
<b>Other Contacts</b>	Robert DeRubeis, Commissioner	<a href="mailto:bderrubeis@newtonma.gov">bderrubeis@newtonma.gov</a>	617-796-1500	
<b>Project FUNDING</b>	<b>A. CPA funds requested:</b> \$3,320,000	<b>B. Other funds to be used:</b> \$22,500	<b>C. Total project cost (A+B):</b> \$3,342,500	
<b>Project SUMMARY</b>	Explain as concretely as possible how the project will use the requested CPA funds (use a cover letter rather than this space for general information about the sponsoring organization's accomplishments). You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW.			
<p><b>Project Description:</b> With the full support of the CPC, the final design phase of Newton Highlands Playground, aka Joseph Lee Playground, is complete. For the past 7 months the designers have worked with Parks and Recreation to develop the final documents, now ready to be packaged for construction bidding. The rehabilitation of this run-down 13-acre park—60% open and 40% wooded—was guided by its 2008 CPA-funded master plan, a rigorous study of its existing conditions, reviews by City departments and committees, input from the public and due consideration of the Department's operating budget and maintenance capabilities.</p> <p><b>Scope of Work:</b> Every inch of the park's open area is to be reworked. The large, active and passive recreation program, poor draining soils, high water table, Stearns Brook culvert and the need for ADA compliance underlie the reconfiguration. Its limited storm water holding capacity will be increased significantly utilizing amended soils, re-grading, extensive under-drainage systems and all new drainage structures. Improvements include a completely renovated natural turf multi-use athletic field with energy-efficient lighting and irrigation; a Little League field suitable for championship play with lights and irrigation; a small pre-fab support building with restrooms and storage; a playground with separate areas for pre-school and school-age children; fenced tennis courts and a relocated basketball court with all the appurtenances; and a parking lot for park use only that will help relieve parking issues as well as facilitate access. A site devoid of amenities now includes: benches, bubblers, trash receptacles, bicycle racks, café tables, and a network of paved accessible pathways connecting all facilities as well as looping around the park perimeter and into the wooded area. Exotic invasive plants will be removed and trees planted, adding to the aesthetic, providing shade and wildlife habitat. New park entrances and edges along Winchester and Dedham Streets will provide much-needed curb appeal and park identity.</p> <p>Carol Schein will continue as the Department's project manager, and Spurr, of Weston &amp; Sampson, the park designers, will perform construction administration. With CPC's approval of this funding request, construction could begin spring 2016, and a beautiful, true multi-generational park for all to enjoy could open in the spring of 2017.</p>				

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

<b>Project TITLE</b>	<b>Newton Highlands Playground - Construction</b>		
<b>USE of CPA FUNDS</b>	<b>RECREATION LAND</b>		
<b>Check all that apply</b>	rehabilitate/ restore	✓	
<b>COMMUNITY NEEDS</b>	<p>From each of at least 2 plans linked to the <a href="#">Guidelines &amp; Forms</a> page of <a href="http://www.newtonma.gov/cpa">www.newtonma.gov/cpa</a>, provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan.</p> <p>In the Comprehensive Plan, Section 7: Open Space and Recreation</p> <ul style="list-style-type: none"> <li>• Page 7-3 Goal#2: ensure an adequate amount, variety and distribution of open space for both public benefit and biodiversity. Goal #3: To integrate compatible recreation and conservation uses. Goal #5: To assure a well-informed and well-coordinated stewardship for the open space and recreation resources for which the City is...custodian.</li> <li>• Page 7-8 #18. Enact the recommendations of the Mayor’s Committee for People with Disabilities...to remove or modify existing barriers to existing facilities.</li> </ul> <p>Recreation and Open Space Plan Update – 2013-2019:</p> <ul style="list-style-type: none"> <li>• Section 1, page 1 of 2, Plan Summary: -- Need to continue expanding accessibility for persons with disabilities on multiple tracks to address active and passive recreation sites. -- Ongoing need for active playfield space.</li> <li>• Section 9, page 12 of 23, Active Use Recreation – Action Program: Newton Highlands Playgrounds is listed under Facility Improvements.</li> <li>• Appendix D, page 10 of 17, Attachment V: Newton Parks &amp; Recreation Dept. Accessibility Prioritization Project. On the first page, N. Highlands Playground is listed as one of the Department’s top three priorities for improved access.</li> </ul>		
<b>COMMUNITY CONTACTS</b>	<p>List at least 3 Newton residents or organizations willing and able to comment on the project and its manager’s qualifications. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.</p>		
Name & title or organization	Email	Phone	Mailing address
Byron Dunker, P&R Commission, Ward 5	<a href="mailto:thedunkers@comcast.net">thedunkers@comcast.net</a>	617-965-6350	10 Southwick Road Newton 02461
Elliott Loew, Atty.; Bd. of Directors, Newton SouthEast Little League	<a href="mailto:emlpc@comcast.net">emlpc@comcast.net</a>	617-969-2660	51 Winchester St., Suite 205 Newton Highlands 02461
Anil Adyanthaya, President Newton Upper Falls Area Council	<a href="mailto:adyanthaya@aol.com">adyanthaya@aol.com</a>	617-795-5991	11 Tamarac Road Newton Upper Falls 02464

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Full proposals must include separate, detailed budgets in addition to this page.

Project TITLE		Newton Highlands Playground - Construction	
<b>SUMMARY CAPITAL/DEVELOPMENT BUDGET</b>			
<b>Uses of Funds</b>			
<u>Hard Costs</u> (refer to enclosed Weston & Sampson Detailed Opinion of Probable Cost)			
Site Improvements (includes Park Support Building):		\$2,575,560	
Mobilization, Overhead and Profit 15%:		\$386,334	
Contingency 10%:		\$257,556	
Subtotal:		\$3,219,450	
<u>Soft Costs</u> :			
Construction Administration (includes rounding of \$550)		\$110,550	
Project Management		\$ 12,500	
<b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)		<b>\$3,342,500</b>	
<b>Sources of Funds</b>		<b>Status</b> (requested, expected, confirmed)	
CPA funds		Requested	
CDBG funds		TBD	
Neighborhood fund-raising for playground		Confirmed; more expected	
City General Fund Budget/Parks and Recreation Dept.		Confirmed	
<b>E. TOTAL SOURCES</b> (should equal C. on page 1 and D. above)		<b>\$3,342,500</b>	
<b>SUMMARY ANNUAL OPERATIONS &amp; MAINTENANCE BUDGET</b> (cannot use CPA funds)			
<b>Uses of Funds</b>			
Operations and Maintenance (refer to Operations & Maintenance/Projected Costs FY18-FY27)		\$33,800	
<b>F. TOTAL ANNUAL COST</b> (should equal G. below)		<b>\$33,800</b>	
<b>Sources of Funds</b>			
Parks and Recreation Operating Budget		\$33,800	
<b>G. TOTAL ANNUAL FUNDING</b> (should equal F. above)		<b>\$33,800</b>	
<b>Project TIMELINE</b>		<b>Phase or Task</b>	
Project out to bid		January/February 2016	
Begin construction		April 2016	
Park opening		Spring 2017	

Project TITLE		Newton Highlands Playground - Construction	
↓ Check off submitted attachments here.			
REQUIRED.	✓	PHOTOS	of existing site or resource conditions (2-3 photos may be enough)
	✓	MAP	of site in relation to nearest major roads (omit if project has no site)
Full proposals: detailed budget attachments REQUIRED.	PROJECT FINANCES printed and as computer spreadsheets, with both uses & sources of funds		
	✓	development pro forma/capital budget: include total cost, hard vs. soft costs and contingencies, and project management – amount and cost of time from contractors or staff (in-kind contributions by existing staff must also be costed)	
	✓	operating/maintenance budget, projected separately for each of the next 10 years (CPA funds may not be used for operations or maintenance)	
	* ✓	non-CPA funding: commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions	
REQUIRED for all full proposals.	SPONSOR FINANCES & QUALIFICATIONS		
	✓	for sponsoring department or organization, most recent annual operating budget (revenue & expenses) & financial statement (assets & liabilities); each must include both public (City) and private resources (“friends” organizations, fundraising, etc.)	
	✓	for project manager: relevant training & track record of managing similar projects	
OPTIONAL for all proposals.		LETTERS of SUPPORT	from Newton residents, organizations, or businesses
REQUIRED for all proposals involving City govt., incl. land acquisition.	✓	CAPITAL IMPROVEMENT PLAN	current listing/ranking & risk factors for this project
	✓	COVER LETTER	from head of City department, board or commission confirming: current custody, or willingness to accept custody, of the resource and commitment of staff time for project management
	ZONING & PERMITTING		
	✓	short email confirming review by the Development Review Team (DRT)	
	✓	brief property history: at least the last 30 years of ownership & use (ask CPC staff for assistance with sources)	
	✓	environmental mitigation plans: incl. lead paint, asbestos, underground tanks	
		zoning relief and permits required: incl. parking waivers, demolition or building permits, comprehensive permit or special permit	
	✓	other approvals required: Newton Conservation Commission, Newton Commission on Disabilities, Massachusetts Architectural Access Board, etc.	
	DESIGN & CONSTRUCTION		
	✓	professional design & cost estimates: include site plan, floor plans & elevations	
✓	materials & finishes; highlight “green” or sustainable features & materials		

\* CPC staff note:

Though this box was checked in the proposal, no confirmation of non-CPA funding other than Parks & Recreation Dept. staff time was submitted.



Newton Highlands Playground Improvements  
City of Newton, Massachusetts

Summary Opinion of Probable Cost

November 11, 2015

PARK IMPROVEMENT ITEM	BUDGET COST	NOTES
SITE PREPARATION AND DEMOLITION	\$150,000	Demolition of existing buildings and structures, courts and pavements, tree and invasive species removal, stripping and stockpiling existing topsoil.
EARTHWORK AND DRAINAGE	\$590,000	Cut/fill, rough and fine grading, field under drainage, overall site storm water drainage systems and structures.
SITE IMPROVEMENTS	\$610,000	Concrete and asphalt paving, paving base material, curbing, color sealcoat, site furniture, fencing, stairs and handrails, play equipment and play surfacing.
PLANTING	\$270,000	Tree planting, loam and seed, root zone mix for playing fields.
FIELD AND COURT AMENITIES	\$283,000	Backstop, spectator bleachers and player benches, basketball and tennis court appurtenances, scoreboards, irrigation systems.
PARK SUPPORT BUILDING	\$312,000	Prefabricated restroom and storage building, utility services and connections.
ELECTRICAL	\$360,000	Electrical service and connections, athletic field lighting.
CONSTRUCTION SOFT COSTS	\$645,000	Overhead and profit, general conditions, contingency.
CONSULTANT CONSTRUCTION ADMINISTRATION COSTS	\$110,000	Weekly construction meetings, submittal and change order review, part-time inspection, coordination between contractor and city.
<b>PROJECT TOTAL</b>		<b>\$3,330,000</b>

Newton Highlands Playground Improvements  
City of Newton, Massachusetts

**Weston&Sampson®**

**Detailed Opinion of Probable Cost**

November 11, 2015

		Unit	Unit Cost	Total Cost
<b>SITE PREPARATION AND DEMOLITION</b>				
Temporary Construction Fence	1,940	LF	\$ 8	\$ 15,520
Construction Entrance Traction Pad	1	LS	\$ 5,000	\$ 5,000
Erosion Control Device - straw wattles	1,650	LF	\$ 5	\$ 8,250
Tree Protection	1	LS	\$ 6,000	\$ 6,000
Tree Pruning, Clearing and Grubbing	1	LS	\$ 15,000	\$ 15,000
R&D Paving (Asphalt & Concrete)	2,722	SY	\$ 10	\$ 27,220
R&D Infield Surfacing (incl. Gravel)	1,630	SY	\$ 3	\$ 4,889
R&D Fence	1,392	LF	\$ 5	\$ 6,960
Strip & Stockpile Loam @ 6"d	3,390	CY	\$ 8	\$ 27,120
Building Demolition	1	LS	\$ 20,000	\$ 20,000
R&D Existing Lighting	1	LS	\$ 10,000	\$ 10,000
Misc. Demolition	1	LS	\$ 5,000	\$ 5,000
		<b>Subtotal</b>	<b>\$</b>	<b>150,959</b>
<b>EARTHWORK AND DRAINAGE</b>				
Cut/Fill	1,700	CY	\$ 15	\$ 25,500
Import Fill	3,795	CY	\$ 18	\$ 68,310
Rough Grading	37,630	SY	\$ 1	\$ 37,630
Fine Grading	37,630	SY	\$ 2	\$ 75,260
12" HDPE Drain Pipe	1,440	LF	\$ 35	\$ 50,400
Collector drain pipe- 18"	1,975	LF	\$ 40	\$ 79,000
4" Lateral Drain	9,850	LF	\$ 18	\$ 177,300
NyloPlast Drain Inlets	19	EA	\$ 2,200	\$ 41,800
Catch Basin (Concrete)	5	EA	\$ 6,500	\$ 32,500
DMH (Concrete)	5	EA	\$ 6,500	\$ 32,500
		<b>Subtotal</b>	<b>\$</b>	<b>587,700</b>
<b>SITE IMPROVEMENTS</b>				
Concrete Stairs	10	CY	\$ 660	\$ 6,600
Handrail at Stairs-Stainless	90	LF	\$ 200	\$ 18,000
Concrete Paving	75	SY	\$ 75	\$ 5,625
Concrete Paving at Thresholds and Cafe Area	105	SY	\$ 75	\$ 7,875
Bituminous Concrete Paving- Walks	550	TON	\$ 180	\$ 99,000
Bituminous Concrete Paving- Courts	390	TON	\$ 150	\$ 58,500
Bituminous Concrete Paving- Vehicular	157	TON	\$ 150	\$ 23,475
Sealcoat	2,330	SY	\$ 10	\$ 23,304
Poured in Place Rubber	5,155	SF	\$ 16	\$ 82,480
Accessible Trail Surfacing	443	SY	\$ 30	\$ 13,277
Granite Curbing	380	LF	\$ 35	\$ 13,300
Mow Strip	264	LF	\$ 40	\$ 10,560
Gravel Base, 8" d	1,495	CY	\$ 35	\$ 52,334
Gravel Base, 12" d for Bit. Vehicular	311	CY	\$ 35	\$ 10,868
Play Equipment	1	LS	\$ 140,750	\$ 140,750
Café Tables	3	EA	\$ 4,500	\$ 13,500
Benches	17	EA	\$ 1,800	\$ 30,600
		<b>Subtotal</b>	<b>\$</b>	<b>610,049</b>
<b>PLANTING</b>				
Tree Planting	85	EA	\$ 750	\$ 63,750
Rootzone Mix	2,545	CY	\$ 36	\$ 91,620
Loam and Seed	17,645	SY	\$ 4	\$ 70,580
Loam and Seed at Playing Fields	11,388	SY	\$ 4	\$ 45,552
		<b>Subtotal</b>	<b>\$</b>	<b>271,502</b>



Newton Parks and Recreation  
 Newton Highlands Playground  
 Operation and Maintenance Projected Costs  
 Projected Costs: FY18-FY27  
 November 5, 2015

2.5% inflation

Description	2015 costs	spring 2016 construction	spring 2017 park opens	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
	FY16	FY17	FY18									
mowing	\$ 10,000	\$ 10,250	\$ 10,510	\$ 10,770	\$ 11,040	\$ 11,320	\$ 11,600	\$ 11,890	\$ 12,190	\$ 12,490	\$ 12,800	\$ 13,120
leaf removal	\$ 1,000	\$ 1,030	\$ 1,060	\$ 1,090	\$ 1,120	\$ 1,150	\$ 1,180	\$ 1,210	\$ 1,240	\$ 1,270	\$ 1,300	\$ 1,330
fertilizer	\$ 2,000	\$ 2,050	\$ 2,100	\$ 2,150	\$ 2,200	\$ 2,260	\$ 2,320	\$ 2,380	\$ 2,440	\$ 2,500	\$ 2,560	\$ 2,620
seed	\$ 1,200	\$ 1,230	\$ 1,260	\$ 1,290	\$ 1,320	\$ 1,350	\$ 1,380	\$ 1,410	\$ 1,450	\$ 1,490	\$ 1,530	\$ 1,570
aerification	\$ 1,200	\$ 1,230	\$ 1,260	\$ 1,290	\$ 1,320	\$ 1,350	\$ 1,380	\$ 1,410	\$ 1,450	\$ 1,490	\$ 1,530	\$ 1,570
irrigation	\$ 750	\$ 770	\$ 790	\$ 810	\$ 830	\$ 850	\$ 870	\$ 890	\$ 910	\$ 930	\$ 950	\$ 970
water cost	\$ 10,000	\$ 10,250	\$ 10,510	\$ 10,770	\$ 11,040	\$ 11,320	\$ 11,600	\$ 11,890	\$ 12,190	\$ 12,490	\$ 12,800	\$ 13,120
electricity	\$ 2,000	\$ 2,050	\$ 2,100	\$ 2,150	\$ 2,200	\$ 2,260	\$ 2,320	\$ 2,380	\$ 2,440	\$ 2,500	\$ 2,560	\$ 2,620
building cleaning	\$ 1,500	\$ 1,540	\$ 1,580	\$ 1,620	\$ 1,660	\$ 1,700	\$ 1,740	\$ 1,780	\$ 1,820	\$ 1,870	\$ 1,920	\$ 1,970
court maintenance	\$ 500	\$ 510	\$ 520	\$ 530	\$ 540	\$ 550	\$ 560	\$ 570	\$ 580	\$ 590	\$ 600	\$ 620
ballfield maintenance	\$ 1,500	\$ 1,540	\$ 1,580	\$ 1,620	\$ 1,660	\$ 1,700	\$ 1,740	\$ 1,780	\$ 1,820	\$ 1,870	\$ 1,920	\$ 1,970
tree pruning	\$ 500	\$ 510	\$ 520	\$ 530	\$ 540	\$ 550	\$ 560	\$ 570	\$ 580	\$ 590	\$ 600	\$ 620
	<b>\$ 32,150</b>	<b>\$ 33,000</b>	<b>\$ 33,800</b>	<b>\$ 34,600</b>	<b>\$ 35,500</b>	<b>\$ 36,400</b>	<b>\$ 37,300</b>	<b>\$ 38,200</b>	<b>\$ 39,200</b>	<b>\$ 40,200</b>	<b>\$ 41,200</b>	<b>\$ 42,200</b>

FY 2016-2020 by Priority							ESCALATED COSTS (Costs in FY2016-2020 are escalated 3.5% a year)					
							Total	Total	Total	Total	Total	Total
Priority	Dept	Project Title	Project Description / Justification	Est Cost In FY2016	Risk Factor	Funding Source	Prior Year Funding	FY2016	FY 2017	FY2018	FY2019	FY2020
				\$ 24,736,000			\$ -	\$ 78,077,350	\$ 63,842,940	\$ 48,984,080	\$ 42,629,759	\$ 27,033,347
8	Parks/Rec	Newton North Baseball Field - New Backstop and Nets	New Backstop and Netting to reduce the number of baseballs hit into neighboring properties.	\$ 320,000	54.3	Bonding	\$ -	\$ 320,000	\$ -	\$ -	\$ -	\$ -
11	Parks/Rec	Replace Newton South High School Tennis Courts	Replace 12 existing courts at this location.	\$ 800,000	50.4	Bonding	\$ -	\$ 800,000	\$ -	\$ -	\$ -	\$ -
45	Parks/Rec	Replace McGrath Playground (Warren) Tennis Courts, and Burr Park	Replace 4 existing tennis courts at McGrath Playground (Warren).	\$ 500,000	38.6	Bonding	\$ -	\$ -	\$ 517,500	\$ -	\$ -	\$ -
53	Parks/Rec	Newton Highlands Playgrnd - Ph I Design & Construction	Phase I of 2008 Master Plan for park renovation. Addresses drainage problems & builds new ball fields and courts. Highly used park. CPA Approved for \$200,000	\$ 2,029,384	37.6	CPA Eligible	\$ 200,000	\$ -	\$ -	\$ 1,959,682	\$ -	\$ -
58	Parks/Rec	Oak Hill Drainage	Review Drainage at the site, repair fields.	\$ 1,000,000	37.4	Bonding	\$ -	\$ -	\$ -	\$ 1,071,225	\$ -	\$ -
72	Parks/Rec	Fort Park Field Lights	Replace sports lighting at Fort Park	\$ 200,000	36.9	CDBG/Bonding	\$ -	\$ -	\$ -	\$ -	\$ 221,744	\$ -
74	Parks/Rec	Community Center / Gath Pool - New Swim Facility Design and Construction	Build new Community Center structure with Olympic sized pool facility	\$ 20,000,000	36.8	Alternative Funding	\$ -	\$ -	\$ -	\$ -	\$ 554,359	\$ 1,147,523
76	Parks/Rec	Crystal Lake Bathhouse - Renovate/Replace	Existing bathhouse is in poor condition and is not accessible. Renovate/Replace bathhouse and improve site.	\$ 5,000,000	36.8	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ 5,543,589	\$ -
106	Parks/Rec	Burr Park Field House - Building Envelope and Window Restoration	Repair damaged exterior brick walls and trim. Remove entry landing stairs and railings and install new code-compliant landing, stairs and railings. Restore windows.	\$ 313,500	35.1	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
108	Parks/Rec	Emerson Community Center - Accessibility Upgrades	Upgrade toilet rooms, install accessible door hardware and drinking fountains; Resurface main entrance ramp and install handrails.	\$ 209,000	35.0	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
125	Parks/Rec	Pelligrini Park Field House - Replace Roofs	Replace lower roofing membrane, gutters and downspouts. Replace upper Gym membrane roof with a new EPDM roof.	\$ 100,000	34.4	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
129	Parks/Rec	Tree Crew Log Loader	Current equipment has been in service since 2006. Essential for emergency response and hazardous tree removal.	\$ 240,000	34.1	Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
136	Parks/Rec	Newton Highlands Playground - Phase II Design & Construction	2008 Master Plan for park renovation in 2 phases. Ph II will complete the fields to provide tennis courts and football field.	\$ 1,925,000	33.6	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
140	Parks/Rec	Emerson Community Center - Electrical Upgrades	Replace switchboard and increase service size to meet electrical demands. Replace original overloaded electrical panels. Install emergency audiovisual horn strobes.	\$ 108,000	33.6	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
152	Parks/Rec	Burr Park Field House - Mechanical/Electrical Upgrades	Replace steam boiler, radiators, venting and piping. Replace exterior lighting to improve safety and security. Upgrade interior lighting and original wiring and conduit.	\$ 100,000	33.1	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
155	Parks/Rec	Lower Falls Community Center - Replace Gym Floor	Replace gym floor with new wood flooring. Replace damaged carpeting and VCT flooring.	\$ 80,000	33.0	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
158	Parks/Rec	Newton Upper Falls/ Braceland Playground - Design & Construction	Master Plan for park renovation - Construction will include new athletic fields, new play structure and sitework and improvements.	\$ 1,675,000	32.8	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
160	Parks/Rec	Pelligrini Park Field House - Exterior Windows & Doors	Replace windows and security screens with new insulated windows and new security screens. Repair and repoint masonry walls and restore murals.	\$ 130,500	32.5	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



Priority	Dept	Project Title	Project Description / Justification	Est Cost in FY2016	Risk Factor	Funding Source	Prior Year Funding	FY2016	FY 2017	FY2018	FY2019	FY2020
163	Parks/Rec	Burr Park Field House - Accessibility/Site Upgrades	Accessibility upgrades to toilet rooms and fixtures, signage, drinking fountain, and door hardware. Provide accessible path to entrance and an accessible parking space.	\$ 160,500	32.4	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
168	Parks/Rec	Pellegrini Park Field House - Electrical Upgrades	Upgrade lighting and power distribution for energy efficiency. Provide protective cages over gym fixtures. Replace electric panels.	\$ 176,000	32.1	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
173	Parks/Rec	Replace Parks Dump Truck (replace 1998 truck #430)	Replacement of vehicle that is used daily for maintenance operations that exceeded its useful life span.	\$ 75,000	31.8	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
176	Parks/Rec	Newton Corner Parks & Rec Headquarters - Building Envelope	Repair front entry concrete. Install new side entry stairs and handrails. Remove and replace wood stairs. Install vents throughout balance of soffits.	\$ 114,500	31.3	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
182	Parks/Rec	Auburndale Cove Fieldhouse - Building Upgrades	Project to fully upgrade existing building or replace with new structure.	\$ 206,000	30.7	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
193	Parks/Rec	Newton Corner Parks & Rec Headquarters - Exterior Windows & Doors	Restore/replace historic exterior doors and windows. Weatherstrip and seal for energy efficiency. Window bay foundation repairs.	\$ 217,000	30.0	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
194	Parks/Rec	Newton Corner Parks & Rec Headquarters - Site/ Accessibility Upgrades	Re-build the main entry ramp to be code compliant. Make ADA door opening device fully functioning.	\$ 86,000	30.0	CDBG Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
202	Parks/Rec	Pellegrini Field Lights	Replace sports lighting at Pellegrini	\$ 100,000	29.1	CDBG Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
209	Parks/Rec	Newton Corner Parks & Rec Headquarters - Roof Restoration/ Replacement	Replace/restore slate roof as historically appropriate.	\$ 75,500	27.5	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
222	Parks/Rec	Jeanette Curtis West Rec Ctr (The Hut) Renovation	Rehabilitation of building envelope, mechanical, electrical, plumbing systems, life-safety, and accessibility of this historically significant structure. Houses many programs.	\$ 1,500,000	25.7	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
236	Parks/Rec	City Hall and War Memorial Historic Landscape Preservation Project	Restoration and preservation of City Hall grounds Historic Landscape	\$ 1,500,000	23.4	CPA Eligible	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
244	Parks/Rec	Levingston Cove	Repair walkways, add rain gardens, remediate erosion, replace amenities.. %0% of cost will be funded by stormwater.	\$ 200,000	15.3	Bonding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

## Project Management

Carol Schein, Open Space Coordinator, has coordinated and managed site improvement projects for the Parks and Recreation Department for the past 14 years. She manages and coordinates both CIP- and CPA-funded projects and also acts as the Department representative on CDBG-funded projects in the parks. Sample projects include: Newton City Hall and War Memorial Historic Landscape Preservation Plan, Newton Centre Playground Accessibility Plan; Newton Upper Falls Playground and Newton Highlands Playground Master Plans; Newton Upper Falls Playground Entrance Improvements; Cabot Park Off-Leash Area and Emerson Playground Improvements. Working with volunteers and the Department's maintenance division, Carol also coordinates the Department's Adopt-a-Space program. Employed by Brown, Richardson and Rowe, Landscape Architects and Planners, for 12 years prior, she staffed and managed park projects in the public sector.

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

### GENERAL DESCRIPTION OF THE FIRM'S OVERALL EXPERIENCE

Weston & Sampson provides municipal clients throughout New England with cost-effective and innovative solutions to their landscape architecture, infrastructure improvement, and environmental challenges. The majority of work completed by Weston & Sampson is focused on assisting communities in developing and implementing infrastructure improvements as they relate to parks, open space, roadways, sidewalks, drainage, water, and sewer. In more recent years, our firm has also assisted clients with the study, assessment, design, and installation of renewable energy facilities.

Established in 1899, Weston & Sampson offers capabilities ranging from project development and planning through design, construction, and long-term operation and maintenance. Throughout our 116-year history, Weston & Sampson has been recognized for exceeding our clients' expectations by providing attentive personal service, superior technical quality, and adherence to cost and schedule requirements. We pride ourselves on the expertise and experience that our staff provides on each assignment. We carefully assemble our project teams to meet specific client needs and ensure project success.



To meet the diverse needs of our clients, Weston & Sampson offers full-service capabilities to address the complex challenges of today's projects. The areas of our expertise that most pertain to this potential assignment include:

- Landscape Architecture
- Park and Open Space Planning and Design
- Community Facilitation
- Urban Design/Streetscape
- Architecture and Structural Engineering
- Peer Review
- Wide-ranging Engineering Disciplines
- Environmental Sciences

In addition, the majority of Weston & Sampson's clients are municipalities. As such, we fully understand the needs and challenges of New England communities, including available technologies, regulatory requirements, cost analysis and funding, and operational issues.





City of Newton, MA

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

### Recent examples of park and landscape architecture and urban design

Weston & Sampson has completed hundreds of open space, recreation, and urban design projects for communities throughout New England. We offer extensive capabilities and specialized services in the areas of:

- Neighborhood park and recreation design
- Athletic facility design
- Linear, multi-use trail/pathway systems and greenways
- Urban design and streetscape improvement
- Structural, electrical, plumbing design and municipal engineering
- Master planning, feasibility studies, and site analysis and development
- Civil and stormwater engineering, soil assessments and remediation
- Project inspection and construction monitoring
- Transportation and traffic planning, and multi-modal systems

Weston & Sampson's creative landscape architects help our clients envision award-winning futures for their parks, playgrounds, and urban design projects. Our designers complete innovative and progressive playground and recreation designs, environmental restorations, reuse of brownfields properties and landfills, city and town wide open space projects, including many current initiatives funded by CPC. Our specific projects have included multi-generational playgrounds, skateparks, dog parks, riverwalks, veterans' memorials, municipal commons, forest amenities, schoolyards/ball fields, track and synthetic turf field complexes, courts and competitive facilities, and the conversion of old railroad ways into nature and bicycle trails. All of our designs ensure Americans with Disabilities Act (ADA) accessibility, Architectural Access Board (AAB) compliance, and programming for users between the ages of 0 to 99. In addition, we have experience successfully working within historical commission guidelines on many of our projects throughout New England.



**We are currently leading or have recently led the public participation, design development, bidding, and construction administration process for the restoration of parks, playgrounds, memorial squares, and municipal commons in more than 25 communities.** We believe that our current and past work on neighborhood park and playground properties exemplifies our commitment to realizing a successful project through an innovative, creative, and collaborative effort. **Our recent work in the communities of Boston, Framingham, Natick, Needham, Newton, Quincy, Waltham, Somerville, Stoneham, and Worcester, Massachusetts particularly exemplifies our range of landscape architecture experience and capabilities.**



City of Newton, MA

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

**Experience in all phases of design, construction cost estimating, bidding, and construction management (including cost and time control) of park, landscape and sports facility design projects**

Weston & Sampson has extensive experience with landscape architectural design projects related to park, playground, open space, and urban site development projects. **We have provided a variety of study, design, bidding, and construction administration services for more than 150 park, playground, and recreational improvement projects throughout Massachusetts.**

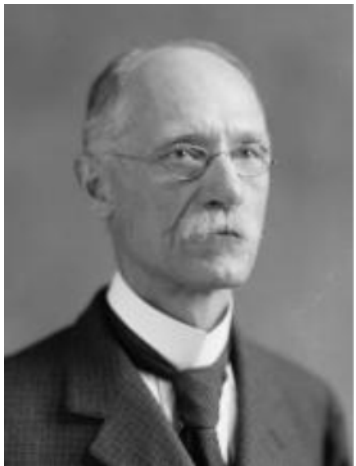
Our design team possesses enormous strength in the design of successful, highly interactive neighborhood parks, playgrounds, schoolyards, community gardens, and related public spaces. We believe that the breadth of our passive and active park design projects, particularly in dense urban communities, helps to support this statement. And of particular note, our landscape architects have consciously chosen to focus their careers on designing public (not private) spaces that benefit communities.



In addition, Weston & Sampson has extensive experience preparing plans and specifications for public bidding, as well as providing administration and resident engineering services for a wide range of construction projects. Our experienced construction managers and inspection personnel evaluate and respond to the challenges of project construction in a timely and cost-effective manner and maintain a record of 0-2% change orders on all publically bid projects company-wide. Typical tasks include participation in pre-construction meetings, periodic visits to the job site or full-time inspectional services, review and approval of shop drawings and materials, evaluation of proposed contract changes, oversight and documentation of all required testing, and design of project modifications to the original design to meet unforeseen field conditions during construction. We also offer both full-time and part-time resident engineering services for any type or size project, and all of our resident engineers have the required Occupational Safety and Health (OSHA) Training in Construction Safety & Health.



# Newton Highlands (a.k.a. Joseph Lee) Playground Rehabilitation Design



Joseph Lee, was born in 1862 into a wealthy Boston family. As an adult he devoted his life to social causes for those less fortunate. He thought society's problems stemmed from limited access to safe areas where children and adults could play. His work focused on the importance of play and recreation, for children in particular. When the playground movement swept across the country in the early 1900's it was largely attributable to his work. He became the president of the National Recreation Association and gained the title of "Father of the Playground Movement."

*Joseph Lee, Father of the Playground Movement*

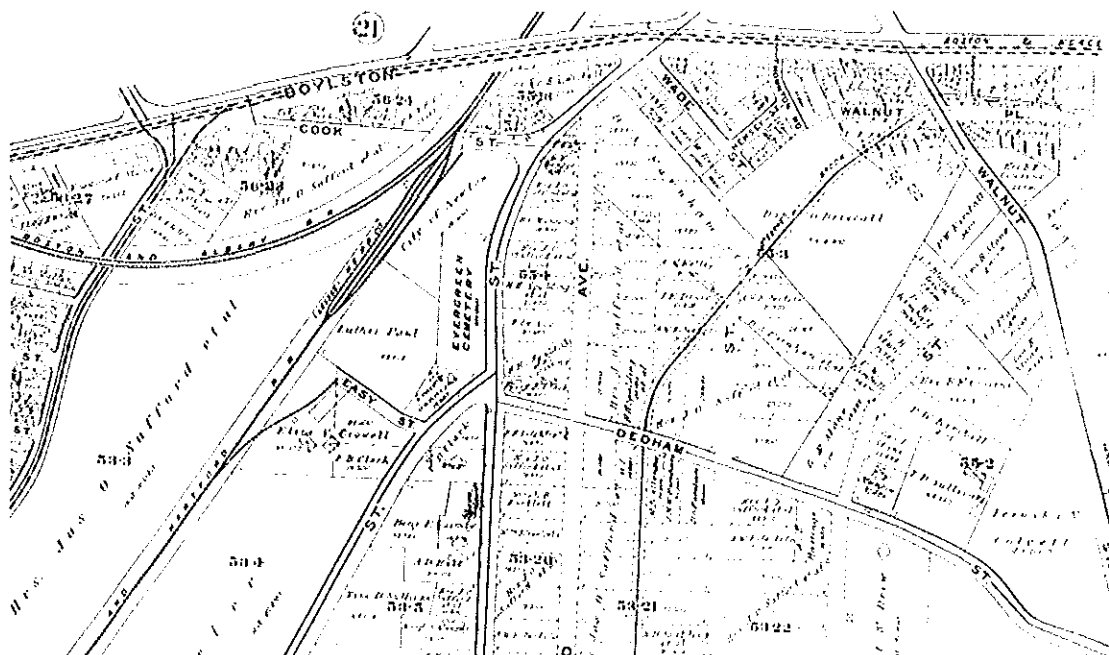
## Village and Park History

Although there was nothing resembling a village in the immediate vicinity, a station was built on the site of the present Newton Highlands T stop when the Charles River Railroad was extended through Newton in 1852. The stop was called "Oak Hill" after the large, sparsely populated area south of the track that it was meant to serve.

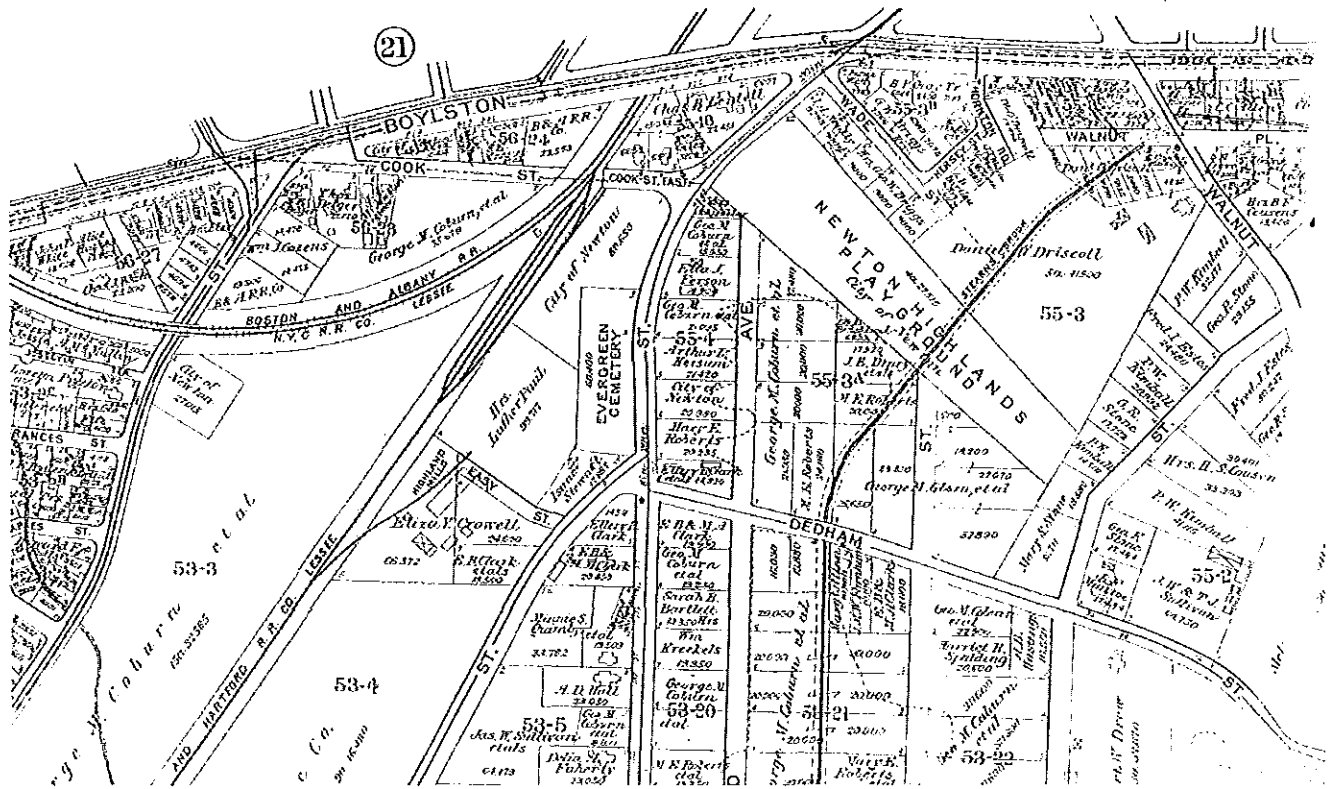
Initially, the railroad brought little change to the area: the passenger service was too erratic to attract commuters, and the single track was used mostly by cars carrying gravel from Needham to fill the Back Bay. However, by the early 1870s, when that project was virtually complete, the railbed was upgraded and service improved. As a result, the area north of the track experienced its first period of development and the basic street pattern took shape. At a meeting called specially for the purpose, "Newton Highlands" was chosen as the name for the emerging village.

The original 4.88 acres of land for the Newton Highlands Playground was purchased in 1911 for \$8,500 with a combination of public monies and private donations. D. S. Farnham, a well-known developer in Newton at the time, once owned the land. A map from 1907 shows the parcel being subdivided, presumably to prepare it for development. A 1917 map shows the entire parcel of land designated as a playground. Stearns Brook appears on early plan views of the property.

On March 18, 1912, The Board of Aldermen of the City of Newton passed an order authorizing the creation of a 'Playground Commission' consisting of five persons serving without pay. At this time, the oversight of several playgrounds transferred over from the Forestry Department. Included in these transfers were the Newton Upper Falls and Newton Highlands Playgrounds.

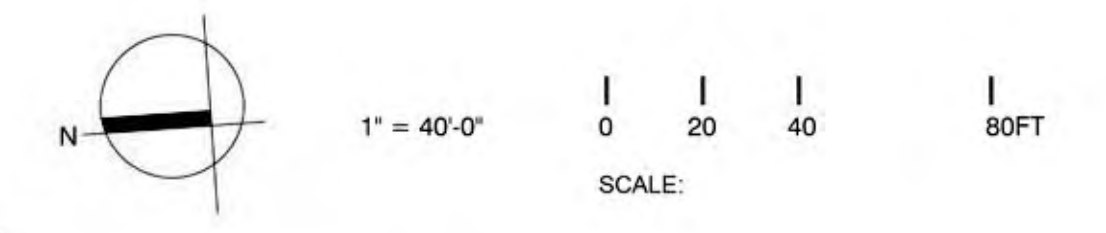


*This record plan is from 1907 shows the land parceled for possible subdivision and development.*



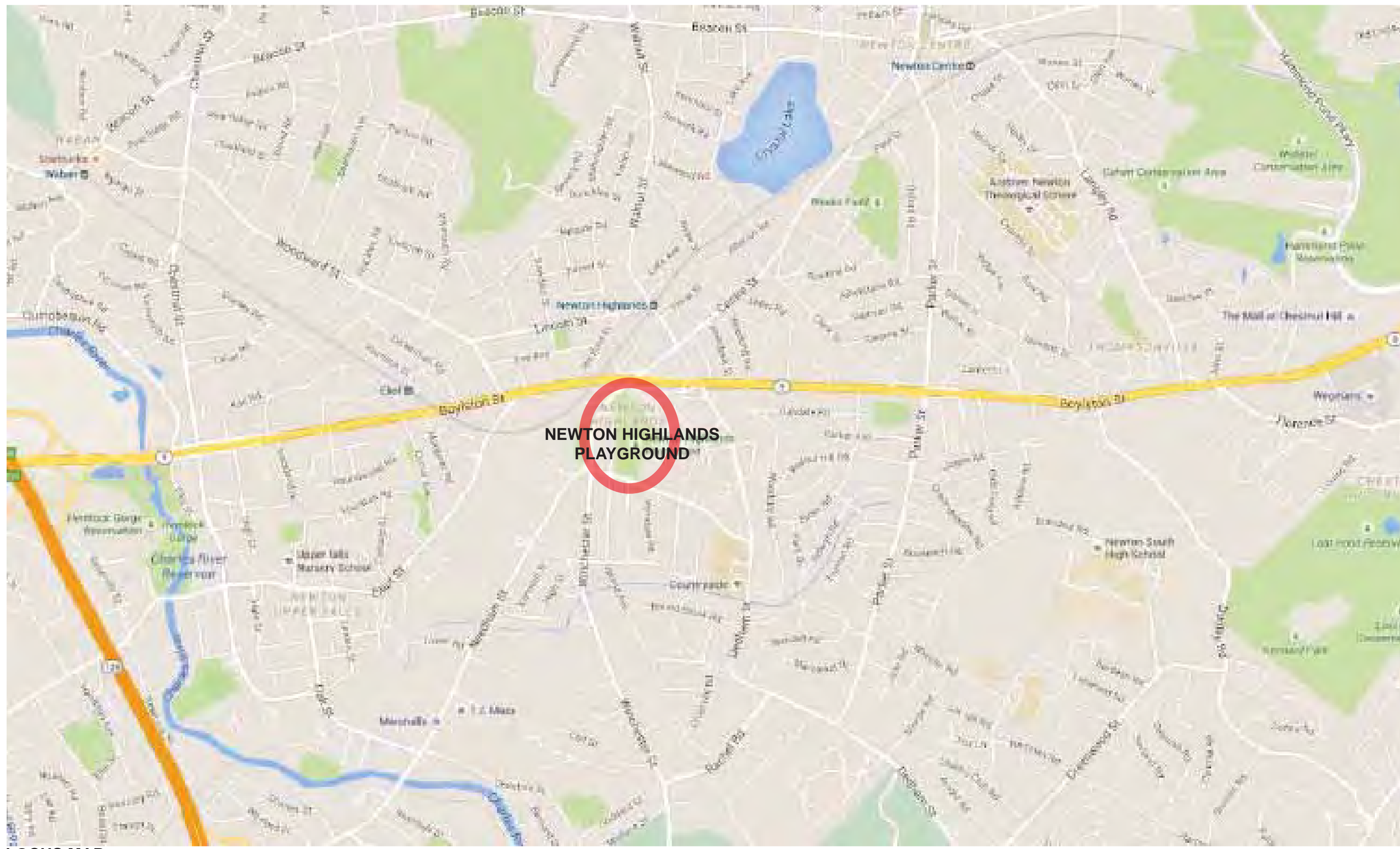
This record plan is from 1917 shows the original 4 acres +/- designated as parkland with Stearns Brook bisecting the property.





# NEWTON HIGHLANDS PLAYGROUND ILLUSTRATIVE PLAN





LOCUS MAP



AERIAL



EXISTING CONDITIONS PHOTOS



# NEWTON HIGHLANDS PLAYGROUND EXISTING CONDITIONS





PRECEDENT IMAGES



NEWTON HIGHLANDS PLAYGROUND  
ILLUSTRATIVE PLAN





# Newton Highlands Playground

Newton MA November 9, 2015 MEO15526



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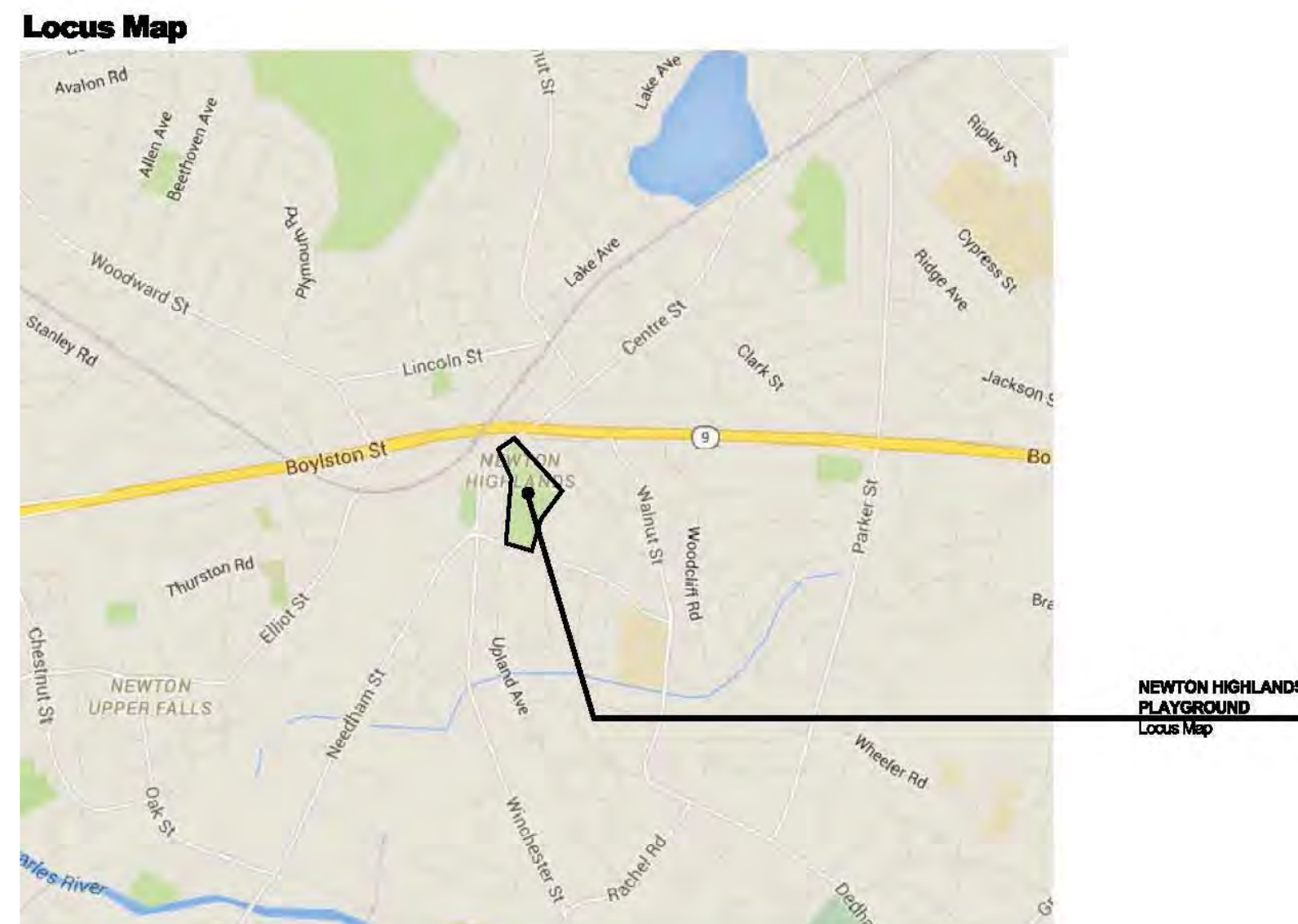
# City of Newton

## PLANS FOR THE NEWTON HIGHLANDS PLAYGROUND REHABILITATION

16 Winchester Street  
Newton, Massachusetts



FINAL DESIGN SUBMISSION  
NOT FOR CONSTRUCTION



September 30, 2015

Prepared By



### SHEET INDEX

C0.00.....	COVER
L0.00.....	GENERAL NOTES AND ABBREVIATIONS
L1.00.....	EXISTING CONDITIONS OVERALL SITE PLAN
L2.00.....	SITE PREPARATION PLAN
L3.00-3.03.....	MATERIALS PLAN
L4.01-4.03.....	LAYOUT PLAN
L5.00-5.03.....	GRADING, DRAINAGE, AND UTILITIES PLAN
L6.00.....	PLANTING PLAN
L7.01-7.08.....	CONSTRUCTION DETAILS
A1.01.....	PARK SUPPORT BUILDING
S-1.....	GENERAL NOTES & TYPICAL DETAILS
S-2.....	FOUNDATION PLAN & SECTIONS
EL1.00.....	ELECTRICAL LEGEND, ABBREVIATIONS, GENERAL NOTES AND DETAILS
EL1.01.....	ELECTRICAL SITE EXISTING CONDITIONS / DEMOLITION PLAN
EL1.02.....	ELECTRICAL SITE NEW WORK PLAN AND PHOTOMETRIC PLAN
IRR1.01.....	IRRIGATION PLAN
IRR1.02.....	IRRIGATION DETAILS

Highlighted sections are posted separately on Newton CPC website.



Community Preservation Committee  
c/o Alice Ingerson, Program Manager  
Planning Department, City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

December 1, 2015

Dear Alice Ingerson,

I'm writing you to say I'm disappointed I'll have to miss your Open Space meeting next week at City Hall on December 10 due to an earlier commitment.

As an abutter I've been strongly in support of this funding to rebuild the park. I understand you and the park designers, Weston & Sampson, will present a request to the Community Preservation Committee (CPC) for \$3.3 million of Community Preservation Act (CPA) funds to rehabilitate the park across from my house.

Please consider this letter as a stand-in for me at next week's meeting and I look forward to hearing that construction could begin next year.

Sincerely,

Barbara Trachtenberg, Ed.D.  
49 Dedham Street  
Newton, MA 02461

Cc: Carol Schein  
Open Space Coordinator  
Newton Parks and Recreation  
246 Dudley Road  
Newton, MA 02459  
617-796-1507 (office)

From: pete@horstmannlaw.com [mailto:pete@horstmannlaw.com]  
Sent: Friday, December 04, 2015 10:56 AM  
To: Alice Ingerson  
Subject: Newton Highlands Playground Project

Dear Alice:

I am a Newton resident who lives within walking distance of the Highland playground and was delighted to hear that there is an upgrade planned for that space.

My kids have also been involved in both indoor and outdoor rock climbing for the last 6 years during which we have met with or become acquainted with most of the industry that is behind the fastest growing sport in the country. However, I do not work for any company involved and this industry and this is not a product driven sales pitch. In fact, in the past I have discouraged school administrators from spending money on indoor climbing walls because of the lack of product support, training and maintenance that the schools were not being told about during various sales pitches. I would welcome the opportunity to speak with you about the benefits of this sport and the outdoor products available that would truly enhance the Highland's project, the community in general and set Newton apart from neighboring communities. Unlike, standard playground equipment which is only used by the 10 & under crowd, the types of structures attached below would serve residents of all ages and create a multi-generational community. Many of European cities have devoted outdoor space to manmade climbing structures which frequently host climbing demonstrations and climbing competitions. While the number of indoor climbing gyms has quadrupled in the US in the last 10 years, outdoor structures have been slower to catch on. The structures depicted below are manufactured by a Massachusetts company called Rockwerks that is located in Barre, MA. I would be happy to make introductions or act in any capacity, if this is something that truly catches your interest.

Additionally, as someone who has lived in this neighborhood for the last 15 years, I am aware that Countyside Elementry School (which is located 200 yards up Dedham Street) recently spent \$80-100K in private funds to upgrade their playground equipment to a very high level. As a result, I think it is redundant to have another high end playground for those under 10 so close. I think the community would be better served with equipment that can be used by all ages whether it is rock climbing or something else. I am not suggesting that under 10 equipment is not needed. It is definitely needed for small kids to play on while the adults play tennis, etc., but it does not have to duplicate what is at Countryside. While I understand that these are two separate budgets and City department, there is not the same level of need when a reasonable alternative is so close by. Another example of this playground redundancy already exists in Newton Center where a new City playground was built at the same time that Mason Rice upgraded its playground and they are only 100 yards away. It would have been a better use of the City space to have constructed something that a broader age range would use.

I am happy to speak with you at anytime and I appreciate your time in reading this email.

Peter Charles Horstmann, Esquire  
450 Lexington Street  
Suite 101  
Newton, MA 02466  
(617) 723-1980  
pete@horstmannlaw.com

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From: Little Red Wagon PlaySchool [mailto:lrwnewton@gmail.com]  
Sent: Thursday, December 10, 2015 4:13 PM



50 Winchester Street, Newton Highlands, MA 02461  
617-244-5099 (tel.) 617-244-5095 (fax) lrwnewton@gmail.com (email)  
www.littleredwagonplayschool.com

Community Preservation Committee  
c/o Alice Ingerson, Program Manager  
Planning Department, City of Newton  
1000 Commonwealth Avenue Newton, MA 02459

December 10, 2015

Dear Members of the Community Preservation Committee,

I am writing to show my strong support for the rehabilitation of the Newton Highlands Playground (Winchester & Dedham Streets). I am the Owner and Director of Little Red Wagon PlaySchool located at 50 Winchester Street. For the past 18 years the children of our school have played in the playground, run in the field and found shade underneath the field's big tree. We are disappointed that the playground equipment that was removed a few years ago due to it's poor condition has not been replaced. The children, staff and families of Little Red Wagon PlaySchool, many of whom live within walking distance to the park, look forward to a new playground in which to play and explore.

Due to a previous commitment I am not able to attend tonights meeting and hope that you will consider this letter as a sign of the support of Little Red Wagon PlaySchool and it's families for this project.

Sincerely,

Martha Reed Donahue, M.S.W.  
Owner/Director Little Red Wagon PlaySchool

--

Little Red Wagon PlaySchool  
lrwnewton@gmail.com  
www.littleredwagonplayschool.com  
617-244-5099  
617-244-5095 - Fax



# LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 [www.lwvnewton.org](http://www.lwvnewton.org)

617-383-4598 Email: [info@lwvnewton.org](mailto:info@lwvnewton.org)

Comments read at CPC public hearing,  
10 December 2015.

December 12, 2015

Alice Ingerson  
Community Preservation Committee Program Manager  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

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Susan Flicop

### Clerk

Theresa Fitzpatrick

### Treasurer

Andrea Kozinetz

### Directors

Pia Bertelli  
Bonnie Carter  
Linda Green  
Ellen Grody  
Lois Levin  
Lisa Mirabile  
Linda Morrison  
Sharyn Roberts  
Greer Tan Swiston

Dear Alice:

Below are our comments that Pia Bertelli read on Thursday evening. Many thanks for the opportunity to comment on this application.

The Newton Highlands Playground is in dire need of rehabilitation after years of deferred maintenance, and LWVN readers find the new plans very attractive. The rehabbed park would serve a large number of nearby residents as well as teams and athletes from across the city. While we see the value in restoring the fields, woods, playground and tennis courts, we had a number of questions that created concern.

Our questions:

1. How will the park be kept in good condition? We would like to see a detailed maintenance plan to prevent a newly restored site from falling back into disrepair.
2. We see two letters of support from the community, but have concerns that there has not been enough outreach to the abutters and others in the vicinity. We would like to see more support, particularly from abutters and those who live on Upland Road and Wade Street.
3. Would improved lighting allow more use of the fields? Any idea how much, and of the impact on the neighborhood due to increased use? (Again, having support from abutters regarding the lighting would be important.)
4. We appreciate the thinking that Parks and Recreation has put into the topic of flooding and stormwater. The work on the soils & culverts is needed, and we encourage P&R to join progressive parks departments around the country in looking at how parks and playgrounds can double as stormwater storage.



## LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 [www.lwvnewton.org](http://www.lwvnewton.org)

617-383-4598 Email: [info@lwvnewton.org](mailto:info@lwvnewton.org)

5. The current parking situation for the playground along the Upland Road extension is inadequate, to say the least. We are concerned that improvements for this space are not included in this plan, and that therefore the current state of parking spaces filled with abandoned vehicles and other debris will continue. This omission is likely leading to the inclusion of 27 paved parking spaces right in the middle of the park. LWVN would like to see the Upland Road extension included in the plan, complete with assurances from the City that the use of these spaces will be monitored by Parking Control.

6. Our biggest area of concern is the increased cost that the CPC is being asked to assume. We understand that a new funding source needs to be found, but are concerned that no CIP funds are being made available for this work. This would set a precedent for other neglected City-owned open spaces and playgrounds to be funded almost entirely by CPA money. We are also concerned about the \$10,000 to be raised by the neighborhood, with only two letters of support as evidence of neighborhood interest.

**Recommendation:** Newton's CPA funds are in high demand, and the CPC has rightly stressed the need to keep funds in reserve for one-off opportunities, some of which may be imminent as we write this. The LWVN has no objection to some CPA funds being used to upgrade and even rehab some playgrounds and parklands, yet this seems like an immense request. Further, we regularly prefer requests that leverage outside funding. To put more than 99 percent of the cost on this one source is too large a burden.

LWVN is trying to balance these concerns with the clear need to improve an important neighborhood resource that is in a pretty embarrassing state of neglect. In the end, we would like to see more effort put toward the questions we've raised before we can decide to recommend approval or not.

Sincerely,

A handwritten signature in cursive script that reads "Susan Flicop".

Susan Flicop  
President, LWVN

## #31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES 03/10/2016

|(Added language underscored; deleted language struck through)

## ARTICLE II.

## NOISE

**Sec. 20-13. Noise control.**

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Construction and demolition:* Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

*Electronic devices:* any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

*Emergency:* any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work:* any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Gross vehicle weight rating (GVWR):* the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.



#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (~~11/6/2015~~)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Leaf blower: any portable motorized device, whether carried or pushed, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

*Motorcycle:* any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

*Motor vehicles:* any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

*Noise pollution:* a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

*Tonal sound:* any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
  - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
  - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (~~11/6/2015~~)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

*Maximum noise level dB(A) permitted:*

(1) *Vehicles*

Vehicle Class ..... Stationary or Moving

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (~~11/6/2015~~)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

All vehicles over 10,000 lbs. GVW  
or GCWR ..... 86

All Motorcycles ..... 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) *Construction and demolition.*

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

*Maximum noise level dB(A) permitted:*

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor ..... 85

Generator ..... 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise ..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

(3) *Yard, Garden, or Grounds Maintenance Equipment*

*Maximum noise level dB(A) permitted:*

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf  
vacuum..... 90

All other equipment, including home  
tractor, ~~leaf blower~~, lawn mower  
or trimmer ..... 65

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Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) *Restrictions on use of leaf blowers.* Notwithstanding the provisions of sections 20-13 (f) and (g), on or after January 1, 2017 no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from Memorial Day through Labor Day or from December 15 through March 1 in each year. At all other times leaf blowers may be operated subject to the following provisions:

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 a.m. – 5:30 p.m.

Saturday: 9:30 a.m. – 5:30 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:30 p.m.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer’s label indicating the model number of the leaf blower;



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C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less; and

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower.

(3) No more than one leaf blower may be used on any lot of 10,000 square feet or smaller. One additional leaf blower may be used for each additional 10,000 square feet or portion thereof comprising one lot.

(4) During times of emergency caused by a storm or other special circumstance, the Mayor or his designee may temporarily suspend application of all or a portion of this section for purposes of cleaning up from such storm or other special circumstance.

(5) The Mayor may grant, on a case by case basis, a permit for exemption from all or a portion of this section in accordance with the provisions of section 20-13 (i).

:

(hi) Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.

(1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.

(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

(ij) Judicial Review. Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(jk) Penalties. Violation of any of the provisions of this section shall constitute a misdemeanor and any person,

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upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

~~(k)~~ *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

~~(m) In the event the person in violation of section 20-13 (h) pertaining to leaf blower use is a contractor, the property owner shall be notified of the violation and of any warning or other enforcement issued to the contractor.~~

~~(n) Severability.~~ If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

**Cross reference**—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

**Secs. 20-14—20-19. Reserved.**

**Sec. 20-51. Depositing of litter.**

(a) No person shall in any manner place or deposit or cause to be placed or deposited on any street or sidewalk, or on any park, playground or other public grounds, or upon any other premises, without the consent of the owner thereof, any noxious substance or liquid or any discarded articles or materials or any rubbish or litter of any kind except in containers set out for collection in accordance with the provisions of Chapter 11 of the Revised Ordinances.

(b) No person shall by operation of a leafblower or in any other manner place or deposit or cause to be placed or deposited on any street or sidewalk, or on any park, playground or other public grounds, or upon any other premises, without the consent of the owner thereof, any yard waste, including dirt, leaves, grass clippings, trimmings from trees or shrubs, or wood chips except in containers set out for collection in accordance with the provisions of Chapter 11 of the revised ordinances.

(Rev. Ords. 1973, § 14-2; Rev . Ords. 1995, § 20-2)

**Sec. 20-21 Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.**

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....	<u>PENALTY</u>
( ) Warning .....	\$0.00

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Sec. 3-29. Removal and disposal of canine waste.

( ) Any Offense.....	\$50.00
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Sec. 20-13. Noise Control

( ) First offense in calendar year.....	Warning
( ) Second offense in calendar year .....	\$100.00
( ) Third offense in calendar year .....	\$200.00
( ) Fourth or subsequent offense in calendar year .....	\$300.00

Sec. 20-51(b) Depositing of litter – yard waste

<u>( ) First offense in calendar year.....</u>	<u>Warning</u>
<u>( ) Second offense in calendar year .....</u>	<u>\$100.00</u>

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<u>( ) Third offense in calendar year .....</u>	<u>\$200.00</u>
<u>( ) Fourth or subsequent offense in calendar year .....</u>	<u>\$300.00</u>

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.



**Sec. 20-51. Depositing of litter.**

No person shall in any manner place or deposit or cause to be placed or deposited on any street or sidewalk, or on any park, playground or other public grounds, or upon any other premises, without the consent of the owner thereof, any noxious substance or liquid or any discarded articles or materials or any dirt, leaves, grass clippings, trimmings from trees or shrubs, wood chips or other yard waste or any rubbish or litter of any kind except in containers set out for collection in accordance with the provisions of Chapter 11 of the Revised Ordinances. (Rev. Ords. 1973, § 14-2; Rev . Ords. 1995, § 20-2)

**Sec. 20-21 Enforcing persons and revised ordinances subject to civil fine.**

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....	<u>PENALTY</u>
( ) Warning .....	\$0.00

Sec. 3-29. Removal and disposal of canine waste.

( ) Any Offense.....	\$50.00
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Sec. 20-13. Noise Control

( ) First offense in calendar year.....	Warning
( ) Second offense in calendar year .....	\$100.00
( ) Third offense in calendar year .....	\$200.00
( ) Fourth or subsequent offense in calendar year .....	\$300.00

Sec. 20-51 Depositing of Litter

<u>( ) First offense in calendar year.....</u>	<u>Warning</u>
<u>( ) Second offense in calendar year .....</u>	<u>\$100.00</u>
<u>( ) Third offense in calendar year .....</u>	<u>\$200.00</u>
<u>( ) Fourth or subsequent offense in calendar year .....</u>	<u>\$300.00</u>

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.