



Public Facilities Committee Agenda

City of Newton In City Council

Wednesday, January 8, 2020

**Following the Committee of the Whole
Room 204**

Items Scheduled for Discussion:

Chairs Note: *The Committee will discuss the scheduling and priorities for the 2020-2021 term. The Committee will review the attached docket items.*

Respectfully submitted,

Alison M. Leary, Chair

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

Referred to Public Facilities Committee

- #55-20 Update on the status of the Solar Phase 3 Projects**
COUNCILOR CROSSLEY requesting an update on the status of the Solar Phase 3 Projects.
- #56-20 Requesting an update on Horace Mann Improvements**
COUNCILOR CROSSLEY on behalf of the Public Facilities committee, requesting an update from the administration and school department on the plans, proposed schedule and any funding needed to correct recently identified deficiencies and improvements to the Horace Mann school at Nevada Street, including addressing classroom space needs, mitigating acoustics, providing sinks for the second floor classrooms, improving proximity of bathrooms to activity areas, etc.
- #57-20 Request for Review/Update Double Pole compliance**
COUNCILORS ALBRIGHT, DANBERG, LAREDO & CROSSLEY requesting an update from the Double Poles Working Group on the work of the group and the status of removing double poles and cataloguing and assigning responsibilities for transfer of utility and city wires.
- #58-20 Proposed amendments to Sec. 5-54 through 5-58 of the Ordinances**
COUNCILORS CROSSLEY, ALBRIGHT, LAREDO & KELLEY requesting revisions to Sections 5-54 through 5-58 of the City of Newton Ordinances to clarify the City Council's role and decision-making process with respect to design review, funding, and budget oversight during the construction process of municipal capital building projects; in particular, to better align City Council decisions with typical steps in the design development process, and where applicable, with Massachusetts School Building Authority (MSBA) and other state requirements.
- #59-20 Discussion with DPW to consider amending the Ordinance for street reconstruction**
COUNCILORS CROSSLEY & LAREDO requesting a discussion with the Commissioner of Public Works, to review city policy and/or ordinances governing repairs to city streets within a period of years after full reclamation and/or milling and repaving of said streets, and to consider strengthening the requirements for repairs so as to protect the public investment in said streets.
- #60-20 Update on the Climate Action Plan**
PUBLIC FACILITIES COMMITTEE requesting updates on the status of the Climate Action Plan.

#61-20

Discussion to limit or prohibit the installation of fossil fuel infrastructure

COUNCILORS CROSSLEY, KELLEY, LEARY, NORTON, ALBRIGHT, GREENBERG, AUCHINCLOSS, MARKIEWICZ, NOEL, DANBERG, KALIS, DOWNS & HUMPHREY requesting a discussion with the Sustainability Team to create an ordinance to limit or prohibit the installation of fossil fuel infrastructure in new construction and substantially renovated buildings, as well as to clarify the Council's authority to prohibit the extension of gas mains subject to the condition of the existing infrastructure

Referred to Programs & Services and Public Facilities Committees

#63-20

Request for updates on the Library Renovation Project

COUNCILORS CROSSLEY AND ALBRIGHT requesting periodic updates from the Library Trustees and Library Director on the Library expansion project.

**ARTICLE V.
DESIGN REVIEW
COMMITTEE**

Sec. 5-54. Established.

(a) A design review committee is hereby established to coordinate the design review process for any public facility which has been submitted to the committee by the mayor, city council or any other public agency or committee within the city.

(b) The design review committee shall examine the specifications prepared by the using agency and shall consult with the planning, public buildings and other city departments, or if appropriate, may request the public buildings commissioner to hire outside consultants to assist the design review committee in studying the feasibility of the proposed facility and shall consider to the extent the committee deems appropriate a range of solutions such as renewal, renovation or replacement within realistic budgetary limits and shall make a recommendation. The design review committee's study of the feasibility of the proposed facility shall include a review of indoor environmental health issues. The design review committee may make recommendations for specific program requirements for the proposed facility to address indoor environmental health issues. The design review committee shall include in its feasibility study a review of the proposed facility's use of natural resources and energy. The design review committee may make recommendations as to site planning, building design, or construction that contribute significantly to the proposed facility's efficient use and conservation of natural resources and energy. Whenever an architect is proposed to be engaged by the city in any design or consulting capacity, the design review committee shall review the contract between the city and the architect prior to its execution to assure that the scope of the work, as described in said contract, complies with the program requirements for the proposed public facility.

(c) The design review committee shall review the architect's solution for compliance with the program and time schedule requirements and shall evaluate the quality, appropriateness and functional attributes of the architect's solution. The committee shall have periodic meetings with the architect and hold periodic presentations and reviews and shall make reports as the project moves through the various stages of design to contract development. Prior to the issuance of bid documents, design review recommendations to the architect shall be made by the design review committee in writing to the commissioner of public buildings for his approval and issued from his office. The commissioner of public buildings shall not permit the construction contract to be advertised for public bid until the design review committee certifies in writing that the plans and specifications substantially meet the program requirements of the project.

(d) During the construction of the public facility, the commissioner of public buildings shall consult with the design review committee concerning any changes in the plans or specifications that may affect the design or program of the facility and the committee shall act promptly on all matters before it. (Rev. Ords. 1973, § 2-361; Ord.No. 8, 8-12-74; Ord. No. 190, 12-20-76; Ord. No. S-301, 2-1-88; Ord. No. V-216, 12-21-98; Ord. No. Y-29, 7-9-07)

Sec. 5-55. Composition, appointment and compensation of members.

(a) Voting membership. The design review committee shall consist of twelve (12) permanent voting members, four (4) appointed by the mayor, four (4) selected by the city council, and four (4) selected by the school committee. There shall be two (2) additional voting members for each facility under design review, who are community representatives who shall represent the interests of the community in which the proposed facility is to be located, and who reside in the immediate area of the facility. One community representative shall be appointed by the mayor and one shall be selected by the city council. In the event

that more than one facility shall comprise a project, and where the city council determines that the resulting number of community representatives for said project is unreasonably large, it may reduce the total number of community representatives required to not fewer than two. (Ord. No. R-142, 4-21-81)

(b) Nonvoting membership. There shall be the following nonvoting members of the design review committee: one city councilor, one school committee member for school department building projects, the planning director or his designee, the head of the using agency or his designee, and the public buildings commissioner or his designee. The public buildings commissioner shall also serve as secretary of the design review committee. (Rev. Ords. 1973, § 2-362; Ord. No. 8, 8-12-74; Ord. No. S-301, 2-1-88)

Cross references—Regulations governing appointment and service on commissions and committees, § 2-8

Sec. 5-56. Terms, vacancies and rules.

(a) The members of the design review committee, excepting the community representatives, shall serve coterminous with the terms of their respective appointing authority. Vacancies in the committee shall be filled by appointment in the same manner by the same designated appointing authority as the original appointments for the period of the unexpired term. The term of community representatives shall expire upon final acceptance by the city of the facility for which they were appointed.

(b) The design review committee shall have such assistance as is reasonably necessary for the exercise of its responsibilities provided by the department of public buildings. The records of the design review committee shall be public documents. The design review committee shall elect a chairman annually and establish rules and procedures. Members shall serve at the pleasure of their respective appointing authority.

(c) It is the intent of this section that those participating in the design review process as voting members shall be a diversified group of interested citizens, independent of and not directly employed by city government, and that some of these members shall be professionally qualified.

(d) To the extent that citizens make themselves available to serve, there shall be at least one (1), but not more than two (2) voting members from each of the following professions: architect, general construction manager, electrical engineer, mechanical engineer, structural engineer, landscape architect. Professional qualifications of voting members are desirable in the fields of city planning, traffic engineering and real estate development, but shall not be required.

(e) Whenever a vacancy in voting membership occurs, the appointing authority shall make inquiry of the public buildings commissioner and the chairman of the design review committee as to whether an appointee with particular professional qualifications is required, and after written response, the appointment shall be made so that the membership of the design review committee will be professionally balanced and will comply with the requirements and the intent of this section. Community representatives shall be appointed without regard for professional qualifications.

(f) No voting member of the design review committee shall hold an elected or salaried position with the city.

(g) All members shall serve without compensation and all voting members shall be residents of the city. All members shall serve until their successors take office.

(h) The two (2) voting members who are community representatives shall vote only on those matters concerning facilities for which they are appointed. (Rev. Ords. 1973, § 2-363; Ord. No. 8, 8-12-74; Ord.

No. 190, 12-20-76; Ord. No. S-301, 2-1-88)

Sec. 5-57. Other provisions.

Any public corporation, agency, authority, commission or body of any such private organization which is empowered to construct a public or quasi-public facility within the city and which desires to submit itself to the jurisdiction of the design review committee, may enter into an agreement, in writing, with the city for this purpose, and thereafter the design review committee shall perform all of its functions and duties with respect to such facility. (Rev. Ords. 1973, § 2-364; Ord. No. 8, 8-12-74)

Sec. 5-58. Site plan approval for construction or modification of municipal buildings and facilities.

It shall be the policy of the city to apply similar standards of planning and control of density and environmental impact, when the city's public buildings and facilities are constructed or modified, as the city applies under chapter 30, Zoning, of the Revised Ordinances when petitions for changes in land use are initiated by its citizens or property owners. In implementing this policy for land in the public use district or otherwise classified city land, the prior establishment of a zoning classification or district (in accordance with section 30-4 of these Revised Ordinances) shall not be required.

(a) Whenever construction or modification of a municipal building or facility is undertaken which involves new construction or substantial change in usage, and which involves a change in: vehicular access; off-street parking requirements; site grading; drainage; landscape features; or service areas, the following procedures shall apply:

- (1) The executive department shall include in the architect's contract the requirement for preparation and submission of site plans suitable for review and approval in accordance with the procedure outlined in section 30-23 of these Revised Ordinances.
- (2) The department of planning and development shall maintain cognizance over the development of specifications, conceptual designs and site plans to determine the consistency and compatibility of such designs and plans with the city's comprehensive plan and other pertinent planning and analytical studies. The director of planning and development shall make written notification of this finding to the mayor, to the clerk of the city council, to the design review committee, and (in the case of school buildings) to the secretary of the school committee.
- (3) The design review committee shall consider the project plans, designs, and specifications not only in terms of the details of layout and construction of the building or facility, but also in terms of the site and its surrounding area. Consultations shall be made with such city departments and neighborhood groups as are considered necessary and appropriate.
- (4) Upon its approval of the initial design concept and prior to recommending that the project proceed to the detailed design phase and to the preparation of construction drawings, the design review committee shall file with the clerk of the city council its approved site plan including building floor plans and architectural schematics, along with a formal petition for site plan approval in accordance with the procedure outlined in section 30-23 of these Revised Ordinances. The design review committee shall not be required to pay a filing fee for purposes of this section.
- (5) At the earliest opportunity, the city council shall for the purposes of this section assign that petition for public hearing before its committee dealing with matters of public buildings and this committee shall hold a public hearing. Due notice of such public hearing shall be given to the abutters of the proposed building or facility and to the abutters of such abutters. The committee shall deliberate

and negotiate such changes to the site plan and affix such restrictions and conditions as are in the public interest, and it shall make its report to the city council within forty-five (45) days following the public hearing.

(6) The site plan, including building floor plans and architectural schematics, as formally approved by the city council and the mayor (and in the case of school buildings, by the school committee) shall become part of the final set of project plans and construction drawings, and they shall not be changed or altered in any manner without first being resubmitted to the design review committee and to the city council in accordance with steps (3), (4) and (5) above. The city council may waive a public hearing on a previously approved site plan if in its judgment the changes proposed are not of sufficient scope as to warrant a public hearing.

(b) The city council shall not approve an appropriation of any funds for preparation of detailed construction drawings for a project applicable under this section until the requirements of (a)(1) through (a)(6) above have been satisfied.

(c) The executive department shall not formally submit a project applicable under this section to competitive construction bid unless the requirements of (a)(1) through (a)(6) have been satisfied.

(d) The requirements of this section that are not otherwise required by law or by the charter may be waived in whole or in part by a two-thirds (2/3) vote of those members of the city council present and voting. (Rev. Ords. 1973, § 2-365; Ord. No. 8, 8-12-74; Ord. No. 102, § 4, 12-15-75; Ord. No. V-195, 9-22-98)

ARTICLE IV. NEWTON CITIZENS COMMISSION ON ENERGY

Sec. 7-40. Establishment.

A commission to be known as the Newton citizens commission on energy is hereby established. (Rev. Ord. 2007, § 2-300)

Sec. 7-41. Composition.

(a) The commission shall be made up of nine (9) members who shall be appointed as follows: three (3) shall be appointed by the city council; three (3) appointed by the mayor; one (1) shall be appointed by the school committee; one (1) shall be appointed by the Newton-Needham Chamber of Commerce; and one (1) shall be appointed by the Newton League of Women Voters. The appointees of the city council, the mayor and the school committee shall all be residents of the city. The energy officer of the city shall be a member of this commission ex officio.

(b) Members shall serve for a term of three (3) years or until their successors shall take office. (Rev. Ord. 2007, § 2-301)

Sec. 7-42. Purpose, powers and duties.

(a) The commission shall develop a city-wide energy plan to encourage energy conservation and the use of alternative energy forms, and provide a plan to coordinate state and federal experts to provide for energy needs and emergencies.

(b) The commission's powers shall include the following:

The commission shall encourage energy conservation in Newton and may investigate methods of conservation and disseminate information thereon; may apply for and receive grants; act as a liaison between Newton and the state on energy matters; act as a clearing house for car and van pooling; conduct citizen education programs including programs regarding the availability of "peak load" pricing differential rates; make recommendations to the mayor and the city council; report on its activities to the mayor and the city council when so requested or on its own initiative; file legislation before the city council; and publicize programs and methods of energy conservation; provided that no expenses may be incurred by the commission without the prior approval of the mayor and the city council. (Ord. No. R-25, 11-5-79; Rev. Ord. 2007, § 2-302)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Editor's note—This section provided that the original appointees were to be appointed for staggered terms of one, two (2) and three (3) years.

Secs. 7-43—7-49. Reserved.

ARTICLE V. SOLID WASTE COMMISSION

Sec. 7-50. Establishment.

A commission known as the Newton solid waste commission is hereby established. (Rev. Ord. 2007, § 2- 320)

Sec. 7-51. Composition and organization.

(a) The commission shall be made up of fifteen (15) members who shall be appointed by the mayor with the approval of the city council. The members of the commission shall be citizens of the city and shall, so far as practicable, be selected so as to provide representation from any advisory group to the mayor and/or city council dealing with the issue of solid waste disposal or recycling, to the extent that such groups exist, as well as representation by other citizens with expertise or interest in various areas within the field of municipal solid waste disposal, including but not limited to recycling, composting, resource recovery, hazardous waste environmental engineering, and solid waste collection. The public works commissioner shall be an ex-officio member of this commission.

(b) Each member shall be appointed for a term of three (3) years or until a successor takes office. No member shall serve for more than two (2) consecutive terms, provided, however, that a member appointed to fill an unexpired term may serve for two (2) consecutive terms after completing such unexpired term.

(c) The commission shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. V-86, 6-17-96; Rev. Ord. 2007, § 2-321)

Cross reference—Regulations governing appointment and service on commissions, etc., § 7-1

Editor's note: The original version of the ordinance provided that five (5) of the initial members be appointed for a one year term and five (5) of the initial members be appointed for a two (2) year term.

Sec. 7-52. Purpose, powers and duties.

(a) The purpose of the commission shall be to advise the mayor and the city council on all aspects of municipal solid waste collection, disposal and recycling affecting the city and to monitor and make recommendations regarding the city's activities relating to solid waste collection, disposal and recycling.

(b) The commission's powers shall include the following:

To investigate methods of recycling, waste stream reduction, and household hazardous waste collection and to disseminate information thereon; to consider new technologies for handling municipal solid waste; to monitor federal and state laws and regulations pertaining to municipal solid waste disposal with regard to the impact of such laws and regulations upon the city; to monitor and make recommendations relative to the city's solid waste disposal activity and any contracts which implement such activities; and to apply for and receive grants and expend funds appropriated for its use for the purposes set forth in this subsection, provided that no expense may be incurred by the commission without the prior approval of the commissioner of public works.

(c) The commission shall file an annual report with the mayor and the city council which shall contain recommendations concerning the city's solid waste collection and disposal activities and recycling programs. The report shall also set forth an outline of the committee's goals and objectives for the upcoming year. (Ord. No. S-325, 9-6-88; Rev. Ord. 2007, § 2-322)

Secs. 7-53—7-54. Reserved.