



Public Facilities Committee Report

City of Newton In City Council

Wednesday, March 4, 2020

Present: Councilors Leary (Chair), Kelley, Crossley, Norton, Laredo, Danberg and Gentile

Absent: Councilors Kalis

Also Present: Councilors Krintzman, Downs, Ryan, Humphrey, Bowman, Noel, Wright and Albright
City Staff Present: Assistant Superintendent of Newton Public Schools Liam Hurley, Director of Planning & Sustainability for the School Department Stephanie Gilman, Department of Public Works Chief of Staff Shawna Sullivan, Codirector of Sustainability Ann Berwick

Chairs Note: *The committee met jointly with the Programs & Services Committee in room 204 to discuss the following item.*

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

#167-20

Authorization to submit an SOI to the MSBA for Countryside School

SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for consideration of funding for a ~~renovation/addition~~ replacement, renovation or addition of Countryside Elementary School, designated as the highest priority for a major project before Franklin Elementary School designated as the second highest priority.

Programs & Services Approved as Amended 6-0

Action: **Public Facilities Approved as Amended 5-0**

Note: Assistant Superintendent of Newton Public Schools Liam Hurley and Director of Planning and Sustainability Stephanie Gilman presented the request to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for the Countryside Elementary School as the highest priority and Franklin Elementary School as the second highest priority. Mr. Hurley explained that the SOI is only the first step of the project and the submission of the SOI does not commit the City to anything. Additionally, Mr. Hurley explained that the application is due by April 8, 2020 but the outcome will not be known until December 2020.

The committee asked the following questions.

Q: Has it been determined if the Countryside School project will be a renovation of the current building or a replacement of the building?

A: Mr. Hurley explained that the modifications to the school can't be determined as of now but will be investigated through feasibility. The current location is in a wetlands buffer zone, which can cause significant issues with the basement. For that reason, a new building for Countryside would be the ideal scenario.

Q: When would the Countryside project begin?

A: Mr. Hurley explained that the Commissioner of Public Buildings would be the best source for that question, but a project of this magnitude could take 5 to 6 years from full project funding.

Q: If the city were to replace the Countryside building, is there space on the current lot for a new building outside of the wetlands buffer zone? Also, could the wetland area be used for a playing field?

A: Ms. Gilman explained that there is approximately three acres outside of the wetlands buffer zone, so this is a possibility. But there would need to be a site analysis to determine if a new building could be built on the existing lot and if the wetlands buffer zone could be used as a playing field. Mr. Hurley explained that if the building is moved than where the existing building is would be green space.

Q: How will the new Northland development effect the nearby elementary schools including the Countryside project?

A: Mr. Hurley explained that the City has planned a five year enrollment ramp up for the Northland development.

Q: If the City does not receive state funding for Countryside, how does that effect the schedule for the project?

A: Either way the funding would have to go out to voters for a debt inclusion override, there will just be a larger amount of money being asked for. Currently, the City does not have the capacity to bond this big of a project without effecting the bonding of other projects. Mr. Hurley explained that the City closely follows MSBA procedures, but the City would not be tied to the MSBA's schedule.

Q: What is reimbursement rate for the MSBA?

A: Mr. Hurley explained that the reimbursement rate is approximately 30-40% and it is based on eligible costs.

The committee made the following comments.

There are concerns from parents and the community of the timing of project because of the shape of the existing building and with the new Northland development.

For Northland, the absolute soonest any units will be available would be three years out, which would be half the units. The soonest the full development would be available would be five years, which could align with the City's plans for the Countryside project.

The docket item was amended to allow for the replacement, renovation or addition at Countryside as shown below.

"SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for consideration of funding for a ~~renovation/addition~~ replacement, renovation or addition of Countryside Elementary School, designated as the highest priority for a major project before Franklin Elementary School designated as the second highest priority."

This was to provide the School Department with the ability to replace the existing building, if renovating the existing building is not a possibility.

The committees thanked the School Department for their continuous work on the school projects and there will need to be a larger discussion on the funding for all school projects.

In the Public Facilities Committee, Councilor Laredo motioned to approve the item as amended, which passed unanimously.

In the Programs & Services Committee, Councilor Humphrey motioned to approve the item as amended, which passed unanimously.

Referred to Public Facilities and Finance Committees

#166-20 Requesting ordinance amendments for enforcement of sidewalk obstruction

HER HONOR THE MAYOR requesting an amendment to Chapter 17, Section 23; Chapter 25, Section 3 and Chapter 26, Section 14 of the Revised City of Newton Ordinances to add defining language, provide enforcement and establish fines for violations of the sidewalk obstruction ordinance.

Action: **Public Facilities Approved 5-0**

Note: Chief of Staff for the Department of Public Works (DPW) Shawna Sullivan presented the request for an amendment to Chapter 17, Section 23; Chapter 25, Section 3 and Chapter 26, Section 14 of the Revised City of Newton Ordinances to add defining language, provide enforcement and establish fines for violations of the sidewalk obstruction ordinance. Ms. Sullivan explained that DPW is requesting these amendments so that the language includes overgrown shrubbery and trees. Additionally, the department is looking for there to be a \$50 per day fine for residents that are not complying with the proposed ordinance within 30 days.

Currently, there is no enforcement of sidewalk obstruction violations. Jini Fairley's, ADA Coordinator, letter of support is attached to this report.

The committee asked the following questions.

Q: Can this be reported through the 311 system?

A: Ms. Sullivan explained that the 311 system is how the department receives most of the complaints. Residents can also call or visit customer service at City Hall.

Q: What is the current process once DPW receives a complaint about sidewalk obstruction violations?

A: Ms. Sullivan explained that the department sends a letter to the homeowner asking for compliance within 30 days and the department continues sending letters to the homeowner until they comply with the ordinance. Eventually the department will send an employee out to take pictures and they will also send those to the homeowner.

Q: Have the proposed ordinance changes been seen by the Law Department?

A: Ms. Sullivan explained that the Law Department drafted the ordinance language.

Q: Is there a way to shorten the 30 days that the resident is given to comply with the ordinance?

A: Ms. Sullivan explained that the City needs to give the resident time to deal with the violation and this is the normal time frame for surrounding communities. Additionally, there needs to be time for the department to send the letters out to residents.

Q: What are the standards that the City is asking for regarding trimming and the height of the overgrown shrubbery and trees?

A: Ms. Sullivan explained that the resident should be trimming to the property line and that overall, the shrubbery and trees should not be obstructing the sidewalk.

Q: Who in the City is responsible for trees that are hanging over onto the street or a bike lane?

A: Ms. Sullivan explained that is not a part of sidewalk obstruction ordinance and this is probably dealt with by the Newton Police Department.

Q: There are cases where resident's cars are bigger than their driveways, how does the proposed changes to the ordinance deal with that?

A: Ms. Sullivan explained this is a compliant driven ordinance. The resident would need to find another place to park their vehicle and the police can already ticket for a car overhanging on to the sidewalk.

The committee made the follow comments.

The proposed ordinance changes are important because there are many areas where there are overgrown shrubbery and trees growing across the sidewalk, which makes it difficult and dangerous for pedestrians to pass.

The proposed ordinance applies to other sidewalk obstructions besides overgrown shrubbery and trees and some of the common offenders of this violation are contractors with their equipment.

Councilor Danberg motioned to approve, which passed unanimously.

#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

Action: **Public Facilities Held 5-0**

Note: The Chair explained that this was brought back to committee to have a discussion on what the process will be to move ahead and who the committee would like to bring in to discuss the item to educate the committee and the public. The Chair added there are several communities that are working on this now and would overall like to get the committee member's thoughts on the item. Ann Berwick, Codirector of Sustainability, was also present to assist the committee with their discussion.

The committee made the following comments.

The committee should be studying the Brookline proposed ordinance and its provisions as a template to see what applies to Newton. Also look at what Brookline excluded from the ordinance and see if those exclusions make sense for Newton. This discussion should include experts that could advise the committee from all angles of the topic

When discussing the item with experts, the committee should be bringing in people that agree and disagree with the idea. A National Grid representative is an example of someone who could be invited to the committee's discussion.

The committee should be learning about the technology including heat pumps and the costs from experts in the field.

There is a concern for just bringing in someone who installs heat pumps because that is how they make their money, which causes an inherent bias. There needs to be some information that is coming from someone that does not have a self-interest in the issue.

Betsy Harper, Jonathan Kantar, Beverly Craig and members of the Energy Commission should also be invited to the committee's discussion. Ms. Harper works on constructing passive homes and Ms. Craig works for the Massachusetts Clean Energy Center. They would also be able to tell the committee what experts they could bring into the committee for the discussion.

There was a compressive list of questions stated at the December 4, 2019 Public Facilities meeting and those should be submitted to experts to answers.

The City should be finding ways to educate developers and contractors on net-zero homes.

Scott Rodman, a resident of Newton, was also present for the discussion. He is currently considering building a net-zero home. Mr. Rodman explained the developers need to be educated on new technology, including heat pumps. Additionally, he is pleased with what Newton has done so far.

Ms. Berwick explained the best sources for the technology are at the Massachusetts Clean Energy Center and there are experts in Brookline that can be helpful. Additionally, Ms. Berwick agreed that the committee should be hearing from both sides but both sides are different when discussing technology vs. policy. When it comes to technology the committee need to look at people that have installed the technology and people that have investigated the technology and decided not to install. On the policy side there are just plain pros and cons to this issue. National Grid would be on the policy side and not the technology side, but Ms. Berwick does not advise against hearing from National Grid. Additionally, Ms. Berwick suggested the committee invite Marcy Reed, Senior Executive at National Grid, to hear about National Grid's plans for the future. Ms. Berwick also suggested that there should be different panels for different topics.

There should be a meeting to create an agenda for future meetings to discuss how to split up all the topics in the ordinance change.

Councilor Laredo motioned to hold item #61-20 which passed unanimously.

#160-20 **Reappointment of Carol Schein to the Design Review Committee**
PRESIDENT ALBRIGHT reappointing CAROL SCHEIN, 82 Garland Road, Newton Centre, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

Action: **Public Facilities Approved 5-0**

Note: With no concerns from the committee, Councilor Crossley motioned to approve which passed unanimously.

#161-20 Reappointment of Peter Barrer to the Design Review Committee

PRESIDENT ALBRIGHT reappointing PETER BARRER, 60 Endicott Street, Newton, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

Action: Public Facilities Approved 5-0

Note: With no concerns from the committee, Councilor Crossley motioned to approve which passed unanimously.

#162-20 Reappointment of David Gillespie to the Design Review Committee

PRESIDENT ALBRIGHT reappointing DAVID GILLESPIE, 41 Woodlawn Drive, Chestnut Hill, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2021.

Action: Public Facilities Approved 5-0

Note: With no concerns from the committee, Councilor Norton motioned to approve which passed unanimously.

#163-20 Reappointment of Robert Hnasko to the Design Review Committee

PRESIDENT ALBRIGHT reappointing ROBERT HNASKO, 49 Miller Road, Newton, to the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2020.

Action: Public Facilities Approved 5-0

Note: With no concerns from the committee, Councilor Danberg motioned to approve which passed unanimously.

The committee adjourned at 8:26 p.m.

Respectfully Submitted,

Alison M. Leary, Chair

Cassidy Flynn

From: Shawna Sullivan
Sent: Tuesday, March 03, 2020 5:41 PM
To: Alison M. Leary; Emily Norton; Andrea W. Kelley; Leonard J. Gentile; Lenny Gentile; Deborah J. Crossley; Victoria Danberg; Marc C. Laredo; David Kalis
Cc: Cassidy Flynn
Subject: FW: Support of Ordinance Amendments Re: Sidewalk Obstructions

Good Afternoon,

Please see the below e-mail from the ADA Coordinator, Jini Fairley, in support of Docket Item #166-20, which is a request to amend the ordinances to allow enforcement of the sidewalk obstruction ordinance including a fine. The item is scheduled for discussion tomorrow night.

Have a nice night.

-Shawna

From: Jini Fairley <jfairley@newtonma.gov>
Sent: Tuesday, March 3, 2020 5:14 PM
To: Shawna Sullivan <ssullivan@newtonma.gov>
Cc: James Mcgonagle <jmcgonagle@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>
Subject: Support of Ordinance Amendments Re: Sidewalk Obstructions

Dear Shawna,

Please forward this email to the Public Facilities Committee as they deliberate on March 4, 2020. Thanks-Jini

Dear members of the Public Facilities Committee,

I completely support, without reservation, the amendments Commissioner McGonagle has proposed to Section 17-23, Section 25-3, and Section 26-14 of the city’s ordinances.

With the addition of “overgrowth of trees and shrubbery” to the definition of an obstruction of a sidewalk, it is crucial for the safety of all pedestrians, especially for those who cannot see the obstruction so as to avoid it. I can’t tell you how many times my face has encountered protruding bushes/shrubs/ or trees, often being injured, as I navigate the sidewalks of the city with my guide dog.

With the addition of a fine levied for a sidewalk obstruction, hopefully the city will see more prompt attention by homeowners and business owners to remove the obstruction, including trimming back trees and shrubs so that the entire sidewalk is available, once warned or fined.

Any obstruction impedes the accessibility of a sidewalk, thus these amendments will take a step forward to ensure a more walkable and universally accessible city for all pedestrians.

Thank you,
Jini

Jini Fairley