



Public Facilities Committee Agenda

City of Newton In City Council

Wednesday, June 8, 2016

7:30 PM
Room 204

Items Scheduled for Discussion:

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]

Referred to Public Facilities Committee

- #161-16 **Comcast petition for a Grant of Location for Washington Street**
COMCAST OF MASS petitioning for a grant of location to install 264' ± of 3" pipe from Pole #864/2 on Lenglen Road, southeasterly 199' ± across Washington Street thence turning easterly 65' ± to 580 Washington St. (Ward 2) [04/21/16 @ 9:00 AM]
- #162-16 **Verizon Petition for a Grant of Location for Upland Ave**
VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install approximately 160' ± of 1¼" conduit in Upland Avenue from an existing manhole (in front of #123) running 125' northerly to a new 2' x 3' handhole in the grass strip in front of #128 Upland Avenue. (Ward 8) [04/20/16 @ 4:37 PM]
- #190-16 **National Grid Petition for a Grant of Location in Wendell Road**
NATIONAL GRID petitioning for a grant of location to install approximately 210' ± of 4" conduit on Wendell Road from existing 12" gas main in Dedham Street northerly to house #126 for new gas service. (Ward 8) [04/27/16 @ 1:33 PM]
- #124-16 **National Grid Grant of Location Petition for Old Farm Road**
NATIONAL GRID petitioning to install and maintain 200' ± of 4" gas main in Old Farm Road from the existing 12" gas main in Brookline Street southerly to 12 Old Farm Road for a new gas service. (Ward 8) [03/22/16 @ 3:09 PM]
City Council Postponed to a Date Certain of May 2, 2016 by Voice Vote

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, or 617-796-1253. For Telecommunications Relay Service dial 711.*

Motion to suspend the rules to accept to the docket and refer to the Public Facilities Committee was approved by Voice Vote.

- #109-16B** **Verizon Grant of Location petition for wireless communication equipment**
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility poles at the following locations:

Locations

Grove Street (near corner of Grove and Washington Streets) at Pole #185/79

Crafts Street (near 224 Crafts Street) at Pole # 108/30

- #163-16** **Request for discussion with DPW to consider Ordinance modifications for street repair**

COUNCILORS CROSSLEY, LAREDO & LAPPIN 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.

Referred to Programs & Services and Public Facilities Committees

- #141-15** **Discussion on tracking and improving the condition of the gas utility infrastructure**
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 @ 2:52 PM]

Chair's Note: *The intended focus of this discussion is the Department of Public Utilities' Rulemaking comment period. Please review carefully the legislation and Attorney Mandl's summary memo which we'll use to organize this discussion.*

Items Not Scheduled for Discussion at this Meeting:

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]

#26-16 Proposed amendments to Sec. 5-54 through 5-58 of the Ordinances

COUNCILOR CROSSLEY, ALBRIGHT, HARNEY AND SANGIOLO 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. [01/11/16 @ 4:53 PM]

#12-16 Discussion with the DPW regarding the City's recycling and solid waste programs

COUNCILOR LEARY, NORTON, KALIS, HESS-MAHAN, ALBRIGHT, AND CROSSLEY requesting an update from and discussion with the Department of Public Works and the Solid Waste Commission on the current status of Newton's solid waste management and recycling program operations and performance objectives, future goals and objectives, staffing, program challenges, and survey data due to be submitted to the Department of Environmental Protection. [12/28/15 @ 8:44 AM]

Referred to Programs & Services, Public Facilities, and Finance Committees**#357-15 Request for CPA funding for the Newton Highlands Playground**

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]

#313-15 Request for an update on the Second Water Meter Program

ALD. LAPPIN requesting an update from the Department of Public Works on the second water meter program including: the progress of the inspection and programming of the approximately 900 new outdoor irrigation meters provided by the City to property owners that have yet to be inspected and/or programmed by the City; the process going forward for the issuance, inspection, programming and tracking of second meters; and the notification of residents who already had second meters regarding the process for registering their meters. 10/26/15 @ 7:15 PM]

#237-15 Update on mitigation funds from Special Permits in Newton Centre

ALD. CROSSLEY, LAREDO, and SCHWARTZ requesting an update on funds accrued from voluntary contributions from Special Permits in Newton Centre, which can be made available to complete a safe pedestrian crossing at 714-724 Beacon Street via Special Permit Board Order #1-15 and conditions noted therein. 09/14/15 @ 10:40 AM]

Referred to Public Facilities and Finance Committees

#223-15

Discussion on the process of licensing the use of city buildings

ALD. LAREDO requesting a discussion of the process of licensing the current and future use of city building, including: (a) how licensees may request the use of city buildings; (b) the process for determining which licensees will get the use of city buildings; (c) how the fees for the use of city buildings are set; and (d) how the current process compares to the process for permitting the use of school buildings. [08/13/15 @ 11:20 AM]

Referred to Programs & Services and Public Facilities Committees

#201-15

Discussion regarding the condition of the Kennard Estate building

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].

#200-15

Update on the strategic plan for street and sidewalk improvements

ALD. LAREDO requesting that the Department of Public Works provide an update on the creation of a strategic plan for the improvement of streets and sidewalks in the City. [08/13/15 @ 11:20 AM]

#100-15

Discussion on pursuing municipal aggregation of energy purchasing

ALD. NORTON, SANGIOLO, LEARY, AND ALBRIGHT requesting that the Administration pursue municipal aggregation of energy purchasing with the goals of reducing and/or stabilizing electricity costs for resident, businesses and the City; and requiring the purchase of Class 1 RECs at some percentage above the level required by the Massachusetts Renewable Portfolio Standard. [04/06/15 @ 9:12 AM]

#83-15

Discussion and update on energy items

ALD. CROSSLEY, GENTILE, & ALBRIGHT requesting a discussion and update from the Administration on the following energy related items: status of municipal power purchasing contracts for gas and electricity; status of the Power Purchase Agreement including solar PV rooftop installations, power offset (cost benefit) to date and review of potential future projects; and an update on municipal energy consumption including the recent Green Communities report filed with the Department of Energy Resources. [03/26/15 @ 9:19 AM]

Referred to Public Facil, Programs & Serv, and Public Safety & Trans Committees

#46-15

Discussion of parking options for school and municipal 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]

#328-14 Review of double utility poles

ALD. ALBRIGHT, DANBERG, & LAREDO requesting a review of double poles in Newton including a random sampling of ten double poles on the north side and ten double poles on the south side of Newton to determine which utility is holding up the removal of double poles. [08/19/14 @ 9:16 AM]

#189-14 Update on the Zervas School construction project

PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Zervas Elementary School Project. [04/17/14 @ 10:48 PM]

#188-14 Update on the Cabot School construction project

PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Cabot Elementary School Project. [04/17/14 @ 10:48 PM]

Referred to Programs & Services and Public Facilities Committees

#119-14 Discussion with ISD on plans to address City non-compliance with ADA standards

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]

#131-13 Updates and discussion on the sewer, water and storm water systems

ALD. CROSSLEY, FULLER, SALVUCCI, JOHNSON, CICCONE requesting periodic updates and discussion, at the discretion of the members of the Public Facilities Committee or the Commissioner of Public Works, on the condition functioning, operations and management of all elements of the City sewer, water and storm water systems including the following:

- Water meters
- Implementation of the ten project area strategic plan to remove infiltration in the City sewer system
- Implementation of the long range strategic plan to repair and replace City water mains, especially to correct for fire flow
- Status of the City's Private Inflow Removal Program to resolve and disconnect illegal storm water connections to the City sewer system
- Current billing practices

- Rates analyses needed to facilitate an informed comparison of billing options to include the following options either alone or in combination: seasonal rates, second meters, tiered rates, frequency of billing, low income credits.

Referred to Finance and Appropriate Committees

#257-12

Review of Fees, Civil Fines/Non-criminal Disposition in Chapter 17 of the ordinances
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.
Finance Voted No Action Necessary 7-0 on 12/14/15

Referred To Programs & Services And Public Facilities Committees

#36-12

Inspection of private sewer lines and storm water drainage connections
ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.
A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
[01/24/12 @ 8:07 AM]
Programs & Services Voted No Action Necessary 6-0 on 11/17/14

Referred to Public Safety & Transportation And Public Facilities Committees

#413-11

Updates on the renovations to the City's fire stations
ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @11:07 AM]

#367-09

Discussion on repair of underground streetlight connections
PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight.
[10/21/09 @ 9:00 PM]

Respectfully submitted,
Deborah J. Crossley, Chair

**CITY OF NEWTON
MASSACHUSETTS**

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020

Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Comcast of Mass

Address 440 Myles Standish Blvd
Taunton, MA 02780

Phone Number 774 644 9104 Fax Number _____

Contact Person Manuel Furtado Title Project Coordinator

Signature Manuel Furtado Date _____
Digitally signed by Manuel Furtado
DN: cn=Manuel Furtado, o=Comcast Construction,
email=1sgfurtado@Comcast.net, c=US
Date: 2016.04.20 12:05:51 -0400

Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Starting @ Pole # NT on Lenglen road, Trench 89' toward Washington St. Continue across Washington Street 110' to Property Line For 580 Washington St. Place 1 - 3" Pipe in Roadway following town Specification:

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan 580 Washington Street Date of plan 4/20/16

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

Trench shall be back filled w/ Control Density Fill, + Restored to City Standards. will require Police Detail during construction.	Any damaged sidewalk or curbside shall be restored in kind.
Submit As Built to Engineering	Tom Doyle Associate City Eng
L Turner 4/29/16	April 27, 2016 see photo

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Commissioner, Public Works

Date

5/2/16

161-16

SOW Starting @ Pole # 864/2 Trench 264' to entrance Point on Building following Water and Fire alarm Below Grade Core. Continue 30' to IT Room,.

580 Washington St, New

Final Label Report

#161-16

SBL	Owner	Number	Street	Unit
14024 0004A	GHADYANI SOROUSH	6-8	LENGLEN RD	2
14024 0004	CUNNINGHAM RITA	6-8	LENGLEN RD	1
14023 0001	ROMAN CATH ARCHD OF BOSTON CORP	561	WASHINGTON ST	
14023 0004	ROMAN CATH ARCHD OF BOSTON CORP	573	WASHINGTON ST	
14023 0006CA	ROMAN CATH ARCHD OF BOSTON	575	WASHINGTON ST	
12016 0002	NATL CATHOLIC GROUP PURCHASING ASSO	580	WASHINGTON ST	
14023 0006	ROMAN CATH ARCHD OF BOSTON CORP	583	WASHINGTON ST	
14024 0003	LAU BERNICE	599-601	WASHINGTON ST	
12016 0003	NSTAR ELECTRIC CO	600	WASHINGTON ST	
12016 0004	DIFAZIO BRUNO TR	602	WASHINGTON ST	
23018 0001	DIFAZIO BRUNO TR	606	WASHINGTON ST	
14024 0002A	COMPAGNONE NINO TR	607	WASHINGTON ST	
14024 0002	COMPAGNONE NINO & ANTONIA TRS	611	WASHINGTON ST	
23018 0001A	PILTCH RICHARD E TR	612	WASHINGTON ST	
14024 0001A	KUTAS DAVID H & MARIE	619-621	WASHINGTON ST	621
14024 0001	NILSON MATOS A & ALICIA A	619-621	WASHINGTON ST	619

**CITY OF NEWTON
MASSACHUSETTS**

PETITION for GRANT OF LOCATION

To the Petitioner:

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Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
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Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name

VERIZON NEW ENGLAND INC.

Address

125 LUNDQUIST DRIVE BRAintree, MA 02184

Phone Number

978-697-3227

Fax Number

978 663 9411

Contact Person

Elizabeth A. Kelly

Title

Right of Way

Signature

Elizabeth A. Kelly

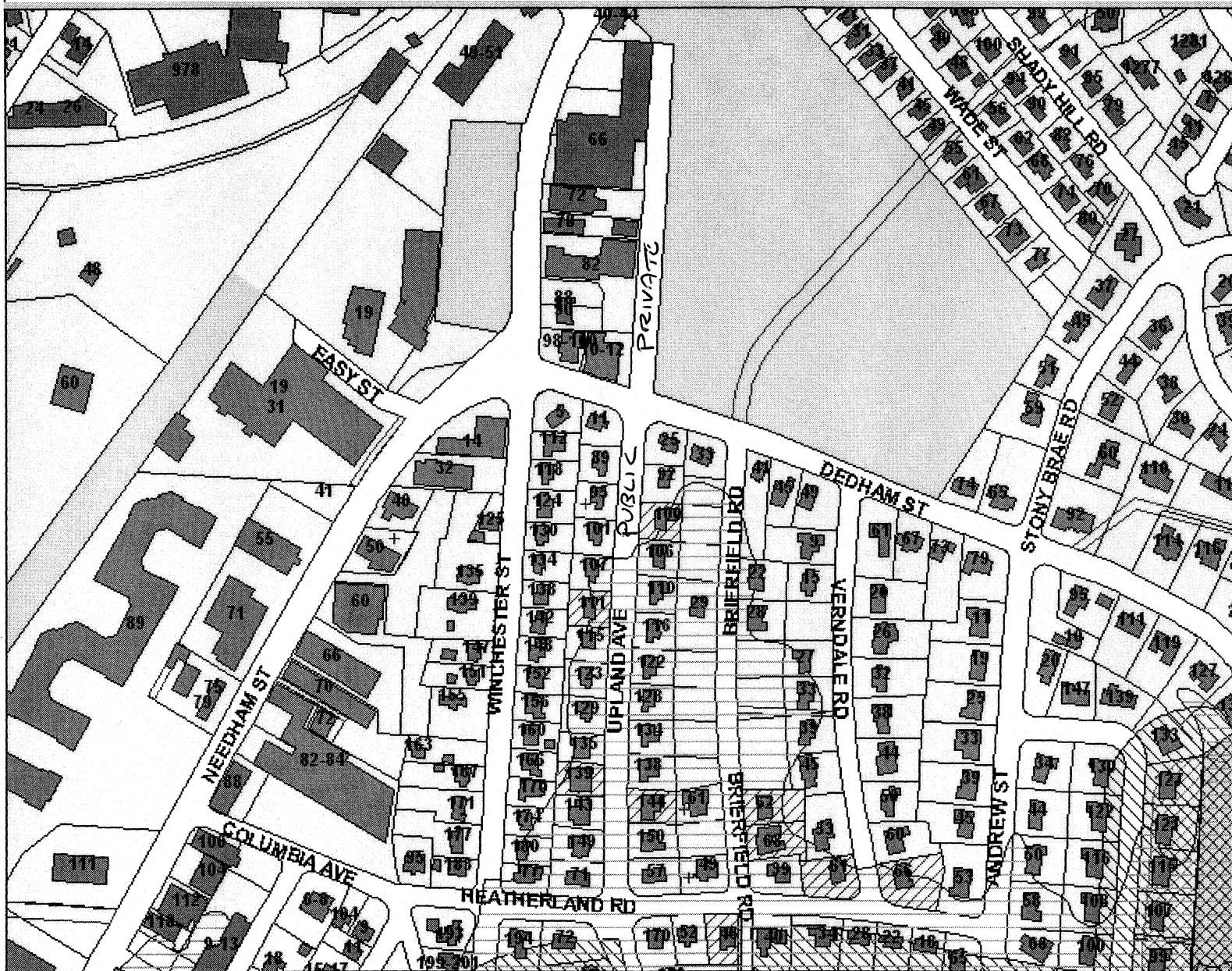
Date

April 20, 2016

Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

NEWTON GIS DATA



162-16
 Upland Ave is Part Privates way, Part Public way.
 Veitron Contractor thought it was workings
 in Privates way part. He did not obtain Permit.
 He now has a permit, and is requesting grant of
 location

The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user is responsible for determining the data's suitability for its intended purpose.

City departments will not approve applications based solely on GIS data. City staff correct errors as they are identified.

Legend

- + Safety System System Locations
- Certified Vendor Parks
- Scenic Roads
- Flood Zone
- Wetlands with 100-foot buffer zone
- Overhead Hangers or Concentration Restrictions
- Blow Protection Areas
- Rare Species Habitat
- Open Space

Property Location:
No Property Selected

Property ID:

Land Use: Lot Size:

1 inch = Approximately 319 Feet

MAP DATE: May 04, 2016

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Upland Ave between #123 and #128 approximately 160' ± conduit and (1) new handhole (2' x 3') handhole which is to be placed in grass. Verizon will tunnel under concrete sidewalk to property line. Total estimate of time 2 days.
 Resident requesting Verizon to provide new service.
 Street reconstruction per requirements of the City of Newton

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan Petition PLAN Date of plan 3/30/2016
 VERIZON New England Inc
 NO. 428014

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project Major Project Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

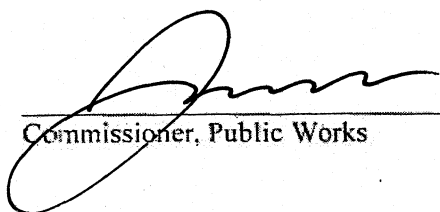
Certified Plot Plan Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

This work is already completed, the trench patch should be cut back & bridged per City Standard. John Decker Associate City Engineer April 27, 2016	Road was paved 1992 see photos
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V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


 Commissioner, Public Works

5/4/16
 Date



April 20, 2016

City of Newton
Board of Aldermen
1000 Commonwealth Avenue
Newton, MA 02459

Dear Chairman:

Enclosed please find Petition No. 428014 to install approximately 160 feet of 1-1 1/2" conduit from existing Verizon manhole on the westerly side of Upland Avenue in front of #123 extending easterly thence southerly to #128 for approximately 125' +/- and installing new one hand hole in grass strip and extending conduit again southerly thence easterly approximately 35' +/- under sidewalk to the property line of #128 Upland Avenue to provide new service to that property. (See enclosed plan)

Sincerely,

Elizabeth A. Kelly

Authorized Verizon Agent

Precision Valley Communications LLC of Vermont

144A Rangeway Road

No. Billerica, MA 01862

978-697-3227

RECEIVED
NEWTON CITY OF
2016 APR 20 PM 4:37
David A. Kelly
Newton, MA 02459

Petition Plan

Verizon New England Inc.

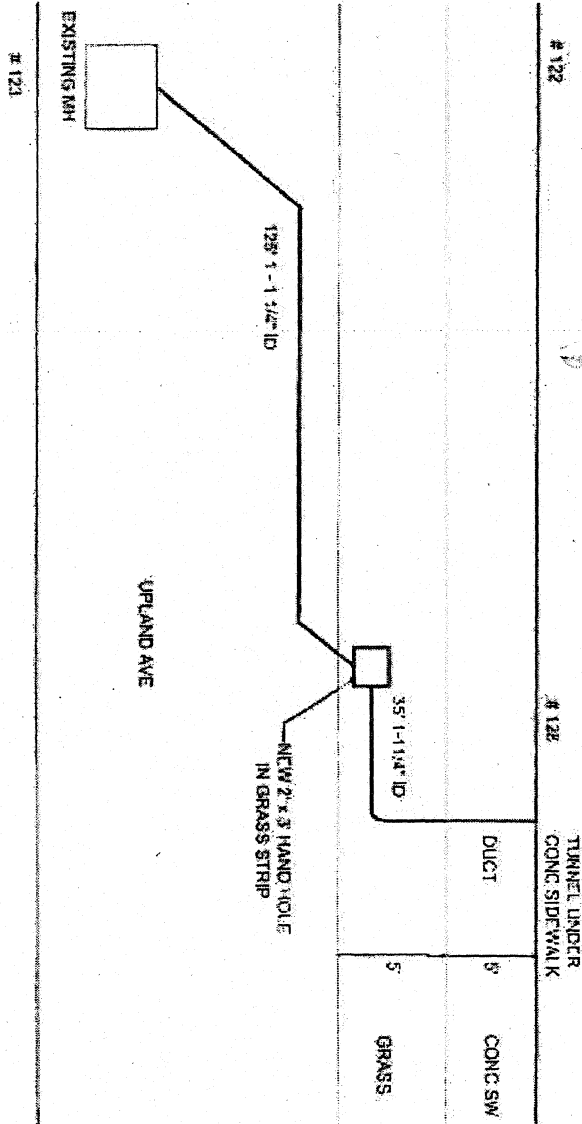
Municipality Newton

No. 428014

Electric / Power Co. NSTAR

Date 3/30/2016

Showing Placement of approximately 160' of 1- 1/4" plastic duct from VZ MH in front of #122 Upland Ave down Upland Ave to property line of #128 Upland Ave in SO trench



RECEIVED
 NEWTON CITY CLERK
 2016 APR 20 PM 4:38
 DAVID A. OLSON, CLERK
 NEWTON, MA 02459

Prepared by _____

DISTANCES SHOWN ARE APPROXIMATE

Checked by _____

LEGEND

- Proposed Verizon Pole Location
- Verizon Pole Location to be Abandoned
- Verizon Co. Pole Location to remain
- ⊗ Proposed Joint Pole Location
- ⊗ Verizon Location to be Held Jointly
- ⊗ Existing Joint Pole to Remain
- ⊗ Power Co. Pole Location to be Abandoned
- ⊗ Present Joint Pole Location to be Abandoned
- ⊗ Power Co. Pole Location to be Held Jointly
- ▭ Existing Verizon Manhole Location
- ▭ Proposed Verizon Manhole Location
- Existing Verizon Conduit Location
- Proposed Verizon Conduit Location
- - - Existing Verizon Conduit Location
- ⋯ Proposed Verizon Buried Cable Location

PETITION FOR CONDUIT LOCATION-CITIES AND TOWNS

To the Board of Aldermen

City of Newton, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, manholes and hand holes with the wires and cables to be placed therein, under the surface of the following public way or ways:

Upland Avenue:

To install approximately 160 +/- feet of 1-1 1/4" conduit on Upland Avenue from existing manhole on the westerly side of Upland Avenue in front of #123 easterly thence southerly to #128 for approximately 125'+/- and installing one new 2'x3' hand hole in grass strip and extending conduit again southerly thence easterly approximately 35' under sidewalk to the property line of #128 Upland Avenue to provide new service to that property. (See attached plan.)

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked - VZ. NO. 428014 dated 3/30/2016 showing location of conduit and new hand hole to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

By

Elizabeth H. Kelly
Right of Way Manager

Dated this 20th day of April, 2016

ORDER FOR CONDUIT LOCATION

By the **Select Board**
Of the **City of Newton, Massachusetts**
ORDERED:

That permission be and hereby is granted to VERIZON NEW ENGLAND INC. to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the 30th day of MARCH, 2016.

Upland Avenue:

To install approximately 160 +/- feet of 1-1 1/4" PVC conduit on Upland Avenue from existing manhole on the westerly side of Upland Avenue in front of #123 easterly thence southerly to #128 for approximately 125' +/- and installing one new 2' x 3' hand hole in grass strip and extending conduit again southerly thence easterly under sidewalk to the property line of #128 Upland Avenue to provide service to that property. (See attached plan.)

Substantially as shown on plan marked-VZ No. 428014 dated 3/30/2016 filed with said petition. Also that permission be and hereby is granted to said VERIZON NEW ENGLAND INC. to lay and maintain underground conduits, manholes, hand holes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits, manholes and hand hole shall be of such material and construction and all work done in such manner as to be satisfactory to the Board of Aldermen or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. In every underground main line conduit constructed by said Company hereunder one duct not less than three inches in diameter shall be reserved and maintained free of charge for the use of the fire and police telephone and telegraph signal wires belonging to the City and used by it exclusively for municipal purposes.
3. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
4. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of Five Thousand Dollars (\$5,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
5. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Aldermen of the City of Newton, Massachusetts, held on the _____ day of _____ 2016.

Attest:

Title

We hereby certify that on _____ 2016, at _____ o'clock ____ M. at _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. for permission to lay and maintain underground conduits, manholes, hand hole and connections, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the lines of said Company under said order. And that thereupon said order was duly adopted.

CITY OF NEWTON
BOARD OF ALDERMEN

CERTIFICATE

I hereby certify that the foregoing is a true copy of location order and certificate of hearing with notice adopted by the Board of Aldermen of the City of Newton, Massachusetts, on the _____ day of _____ 2016, and recorded with the records of location orders of said City, Book _____ Page _____. This certified copy is made under the provisions of Chapter 166 General Laws and any additions thereto or amendments thereof.

Attest:

Title

A true copy

Attest:

Cooperative Living of Newton, Inc.

390 Newtonville Ave.
Newtonville, MA 02160

PRESIDENT

Virginia Robinson

TREASURER

Leslie A. Golembeski

SECRETARY

Cynthia B. Victor

CLERK

David C. Norton

COMMITTEE MEMBERS

PLACE David C. Norton

Edward S. Bereska

Alice Kreider

Ruth Lucas

Anna W. Smith

Jasper K. Smith

PEOPLE Maeve Ward

Robin Gray

Eve M. Rooke

Beverly Smith

Marianne Talls

Cynthia B. Victor

MONEY Virginia Robinson

Leslie A. Golembeski

FRIENDS OF THE CORPORATION

Jane Day

Ruth Hardy

Elizabeth Harlow

ADVISORY BOARD

Rev. David Allen

Father Gerard Barry

Briggs Buchanan

Rep. David Cohen

Rev. Herb Davls

David W. Jackson

Rev. Evan Johnson

Mayor Theodore Mann

Marvera Murphy

Rev. Ned Martin

Rabbi Murray I. Rothman

Rev. Nancy Rockwell

Ethel Sheehan, Alderman

Rev. William Tolley

September 29, 1982

Dan di Palma
Newton Building Department
City Hall
Newton Centre, MA 02159

Dear Mr. di Palma,

The property at 390 Newtonville Avenue owned by Cooperative Living of Newton will be used as a residence for 10-12 adults, primarily over age 55. These will not be people in need of nursing care, but will be individuals who can undertake all "activities of daily living" independently.

A congregate home, the residence will be for people who no longer can or want to live alone for reasons of lack of finances, health needs or desire for companionship. There is in Massachusetts no licensure for a congregate facility. Residents will be independent adults living in a "family of choice".

Sincerely,

Virginia Robinson

Virginia Robinson,
President

City of Newton, Massachusetts

DISTRICT
 3-162-16
 1-534

APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

IMPORTANT - Applicant to complete all items in sections: I, II, III, IV, and IX.

CATION
 AT (LOCATION) 390-392 Newtonville Avenue ZONING DISTRICT MC-1
(NO.) (STREET)

ILDING
 BETWEEN Walnut Street AND Harvard Street
(CROSS STREET) (CROSS STREET)

SUBDIVISION 22-5-12 LOT _____ BLOCK _____ LOT SIZE _____

TYPE AND COST OF BUILDING - All applicants complete Parts A - D

TYPE OF IMPROVEMENT

1 New building

2 Addition (If residential, enter number of new housing units added, if any, in Part D, 13)

3 Alteration (See 2 above)

4 Repair, replacement

5 Wrecking (If multifamily residential, enter number of units in building in Part D, 13)

6 Moving (relocation)

7 Foundation only

VOID FROM JULY 12/16/93

OWNERSHIP

8 Private (individual, corporation, nonprofit institution, etc.)

9 Public (Federal, State, or local government)

D. PROPOSED USE - For "Wrecking" most recent use

Residential	Nonresidential
12 <input type="checkbox"/> One family	18 <input type="checkbox"/> Amusement, recreational
13 <input checked="" type="checkbox"/> Two or more family - Enter number of units - - - - ->	19 <input type="checkbox"/> Church, other religious
14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units - - - - ->	20 <input type="checkbox"/> Industrial
15 <input type="checkbox"/> Garage	21 <input type="checkbox"/> Parking garage
16 <input type="checkbox"/> Carport	22 <input type="checkbox"/> Service station, repair garage
17 <input type="checkbox"/> Other - Specify _____	23 <input type="checkbox"/> Hospital, institutional
	24 <input type="checkbox"/> Office, bank, professional
	25 <input type="checkbox"/> Public utility
	26 <input type="checkbox"/> School, library, other educational
	27 <input type="checkbox"/> Stores, mercantile
	28 <input type="checkbox"/> Tanks, towers
	29 <input type="checkbox"/> Other - Specify _____

FULL PERMIT
 KGM 12/16/93

COST (Omit cents)

10. Cost of improvement.....	\$ 264,000
To be installed but not included in the above cost	
a. Electrical.....	27,000
b. Plumbing.....	29,000
c. Heating, air conditioning.....	20,000
d. Other (elevator, etc.).....	20,000
11. TOTAL COST OF IMPROVEMENT	\$ 360,000

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for, department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

Coperative Living Newton -
 Single Room Elderly Housing

RECONSTRUCTION OF DESTROYED CONGREGATE LIV. CENTER.
 (File). Ser: BOA# 598-81.

II. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E - L; for wrecking, complete only Part J, for all others skip to IV.

E. PRINCIPAL TYPE OF FRAME

30 Masonry (wall bearing)

31 Wood frame

32 Structural steel

33 Reinforced concrete

34 Other - Specify _____

F. PRINCIPAL TYPE OF HEATING FUEL

35 Gas

36 Oil

37 Electricity

38 Coal

39 Other - Specify _____

G. TYPE OF SEWAGE DISPOSAL

40 Public or private company

41 Private (septic tank, etc.)

H. TYPE OF WATER SUPPLY

42 Public or private company

43 Private (well, cistern)

I. TYPE OF MECHANICAL

Will there be central air conditioning?

44 Yes 45 No

Will there be an elevator?

46 Yes 47 No

J. DIMENSIONS

48. Number of stories..... 2

49. Total square feet of floor area, all floors, based on exterior dimensions..... 6,400

50. Total land area, sq. ft. 13,600

K. NUMBER OF OFF-STREET PARKING SPACES

51. Enclosed.....

52. Outdoors.....

L. RESIDENTIAL BUILDINGS ONLY

53. Number of bedrooms.....

54. Number of bathrooms

Full.....

Partial.....

NO. STREET

Final Label Report

#162-16

SBL	Owner	Number	Street	Unit
83010 0018	WRIGHT ADAM T & AILEEN P	11	DEDHAM ST	
83009 0014	WANG DLANYUAN	25	DEDHAM ST	
83009 0002	STANHOPE NANCY L	57	HEATHERLAND RD	
83010 0031	ROBBINS LYNNE WHITE	71	HEATHERLAND RD	
83010 0019	STRAUSS SUSAN	89	UPLAND AVE	
83009 0013	CHARNESS YETTA TR	92	UPLAND AVE	
83010 0020	CHEN YANNI TR	95	UPLAND AVE	
83009 0012	BRODNEY MICHAEL A & MARIAN D	100	UPLAND AVE	
83010 0021	LEWIS CHARLES H JR TR	101	UPLAND AVE	
83009 0011	SCUDDER WILLIAM S	106	UPLAND AVE	
83010 0022	BUCCI MICHAEL E	107	UPLAND AVE	
83009 0010	TELIO STEVEN H	110	UPLAND AVE	
83010 0023	RICHARDS DANIEL A	111	UPLAND AVE	
83010 0024	MEDOFF BRUCE & JOANNE	115	UPLAND AVE	
83009 0009	KLEIN LINDA S	116	UPLAND AVE	
83009 0008	KRIENSKY PETER & DANA	122	UPLAND AVE	
83010 0025	ROBINSON THOMAS J	123	UPLAND AVE	
83009 0007	KHOZOZIAN JOHN	128	UPLAND AVE	
83010 0026	FINNERTY MAUREEN	129	UPLAND AVE	
83009 0006	WONG WILLIAM S & ANDREA LAM	134	UPLAND AVE	
83010 0027	ROY NILAY & ROOPALI	135	UPLAND AVE	
83009 0005	BURTON STEPHEN J	138	UPLAND AVE	
83010 0028	HUSAIN S SHAUKAT & FARHAT	139	UPLAND AVE	
83010 0029	NAGDA VASANT M	143	UPLAND AVE	
83009 0004	ABEND TOBY & SUSAN	144	UPLAND AVE	
83010 0030	ZHANG SEAN X	149	UPLAND AVE	
83009 0003	WARR CAROLYN B	150	UPLAND AVE	

CITY OF NEWTON
MASSACHUSETTS

RECEIVED
Newton City Clerk

PETITION for GRANT OF LOCATION 016 APR 27 PH 1: 33

David A. Olson, City Clerk
Newton, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Public Works Department
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Petitioner files Petition Form with Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020

Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

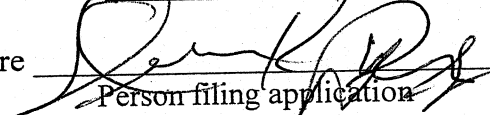
Company Name NATIONAL GRID

Address 40 SYLVAN RD.

WALTHAM MA. 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature  Date 4-26-17
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

RECEIVED
Newton City Clerk

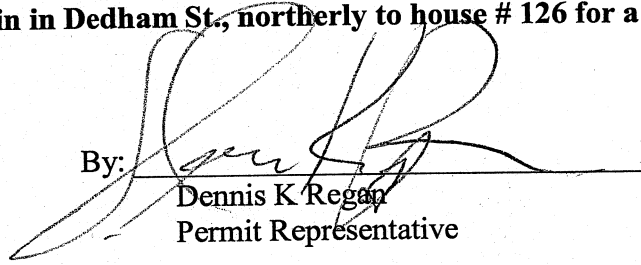
City of Newton / Board of Aldermen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 210 feet more or less of 4 inch gas main in Wendell Rd., Newton. From the existing 12 inch gas main in Dedham St., northerly to house # 126 for a new gas service.

Date: April 26, 2016

By:



Dennis K Regan
Permit Representative

City of Newton / Board of Aldermen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date April 26, 2016 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

MN # 144-1090529

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

RECEIVED
2016 APR 27 PM 1:33

TO INSTALL AND MAINTAIN APPROXIMATELY 210 FEET MORE OR LESS OF 4 INCH GAS MAIN IN WENDELL RD. FROM THE EXISTING 12 INCH GAS MAIN IN DEDHAM ST. NORTHERLY TO HOUSE #126 FOR A NEW GAS SERVICE

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan 126 WENDELL RD. NEWTON Date of plan 4/20/16

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project Major Project Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan Stamped Plans

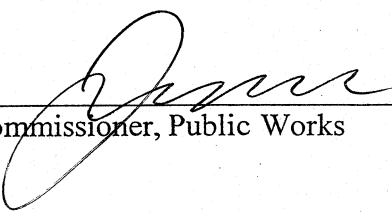
DATE AND COMMENTS:

RECOMMENDATIONS:

<p>Extreme caution is needed when installing the proposed gas main, these plans do not show the 115KV electric distribution lines owned by Eversource with in Dedham St.</p>	<p>Wendell Road ^{was} milled & overlaid in 2012 therefore after the gas main is installed the roadway shall be milled 1 1/2 - 2" from curb to curb, from the limits of the trench w/in Wendell rd to the Dedham St intersection. John D. Associates</p>
--	--

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

City Eng.
April 28, 2016


Commissioner, Public Works

5/2/16
Date

Final Label Report

#190-16

SBL	Owner	Number	Street	Unit
81019 0014	KILGALLEN LAWRENCE J	300	DEDHAM ST	
83026 0021	TSAY FRANK & RITA HSIUNG	303	DEDHAM ST	
83026 0020	PERRIN SANDRA J	315	DEDHAM ST	
83026 0019	LI YUYU	327	DEDHAM ST	
81018 0003	DAGATA ERIKA M	118	WENDELL RD	
81019 0011	GRODBERG MARSHALL B & SONYA R	119	WENDELL RD	
81019 0012	FISHMAN ALIO M & MARILENA TRS	125	WENDELL RD	
81018 0002	J DERENZO & ASSOCIATES LLC	126	WENDELL RD	
81019 0013	HAZRA SHARMILA & SANJOY K TRS	133	WENDELL RD	
81018 0001	FRIEDLAND BERNARD & DEBRA G	134	WENDELL RD	

CITY OF NEWTON
MASSACHUSETTS

124-16

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Public Works Department
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Petitioner files Petition Form with Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020

Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name National Grid

Address 40 Sylvan Rd.

Waltham, Ma. 02451

Phone Number 617-293-0480

Fax Number _____

Contact Person Barbara Kelleher Title Acting Permit Representative (# 3/31)

Signature Barbara H. Kelleher Date 3-22-16

Person filing application

telecommunications company, indicate how certified by the Department of Telecommunications and
gy:

DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

To install and maintain approximately 200 feet of 4" gas main in Old Farm Rd., Newton from the existing 12" gas main in Brookline St. southerly to house # 12 for a new gas service.

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide: Title of Plan 12 Old Farm Rd., Newton Date of plan 3-22-2010

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Laterat

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

RECEIVED
NEWTON CITY CLERK
2010 MAR 22 PM 3:09
DAVID A. OLSON, CMC
NEWTON, MA 02459

DATE AND COMMENTS:

RECOMMENDATIONS:

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Commissioner, Public Works

Date

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

124-16

City of Newton / Board of Aldermen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 200 feet more or less of 4 inch gas main in Old Farm Rd., Newton. From the existing 12 inch gas main in Brookline St., southerly, to house # 12 for a new gas service.

Date: March 22, 2016

By: Dennis K. Regan (D.H.K.)
Dennis K Regan
Permit Representative

City of Newton / Board of Aldermen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date March 22, 2016 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

RECEIVED
NEWTON
2016 MAR 22
DAVID
NEWTON

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20__.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20__.

By: _____

Title

MN # 144-1062882

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

FORM # 1444, Rev. 90

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

124-16

City of Newton / Board of Aldermen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 200 feet more or less of 4 inch gas main in Old Farm Rd., Newton. From the existing 12 inch gas main in Brookline St., southerly, to house # 12 for a new gas service.

Date: March 22, 2016

By: Dennis K. Regan (D.K.R.)
Dennis K Regan
Permit Representative

City of Newton / Board of Aldermen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date March 22, 2016 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20__.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20__.

By: _____

Title

MN # 144-1062882

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

FORM # 1444, Rev. 90

RECEIVED
2016 MAR 22 PM 09
Dennis K. Regan
New York, NY
609-259-1111

City of Newton

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449Setti D. Warren
Mayor

April 25, 2016

To: Public Facilities Committee

From: James McGonagle, Commissioner of Public Works

Subject: # 12 Old Farm Road, Petition for Grant of Location, National Grid Gas Main

Discussion:

National Grid submitted a petition for installation of a new gas main in Old Farm Road, for gas service to #12 Old Farm Road, in the fall of 2015. Old Farm Road currently has no gas main or gas service. Old Farm Road had undergone major construction in the 2011-2012 construction seasons, with installation of a new water main, major sewer and drain repairs, and full depth reconstruction and paving of the roadway surface.

Public Works had recommended denial of the petition at that time, due to three major issues:

- 1) The 5 year roadway moratorium was still in effect. This proposed gas main installation is not a small trench perpendicular to the roadway, but a 200 linear foot trench within the roadway. Cutting into a roadway paved less than 5 years ago by a contractor hired by National Grid is not permitted on a newly paved roadway.
- 2) The compaction techniques of National Grid and their contractors may or may not meet the construction standards of the city, and Engineering Division had no in-house means to measure compaction density.
- 3) Engineering Division did not have a full time construction inspector assigned to monitor the backfill and compaction efforts of National Grid or the other utility companies or their contractors.

Public Facilities Committee denied the petition.

Since that time, Public Works and Engineering Division have been in discussions with the developer of #12 Old Farm Road, to see if an engineering compromise could be reached. The above concerns are addressed as follows:

- 1) Although the five year moratorium is in effect through the spring of 2017, if the work can be performed soon the developer has agreed to additional conditions. The developer at #12 Old Farm Road has agreed to cold-plane (mill) and overlay (with asphalt) the entire roadway surface for the length of the new gas trench, from the connection in Brookline Street to #12 Old Farm Road, plus 25 feet beyond the trench in Brookline Street and 25 feet beyond the trench in Old Farm Road. See sketch attached. It is in the developer's interest for National Grid to properly

compact the trench. This gives the city essentially a new roadway in this area of work. Should the trench in the new roadway settle (and it should not if properly compacted), the developer would be required to return and repair the roadway within one year of paving.

The advantage of this condition is that the entire roadway surface gets new pavement, where as if the developer returned in 2017, with the moratorium over, only the gas trench area (say 3 feet wide) would be required under our current policy to receive a permanent patch of bituminous concrete.

2) A soil densitometer has been purchased by engineering division, and has been delivered. The soil densitometer allows the city construction inspector to test and verify the soil density of the trench, so there can be no question as to the proper soil compaction of the backfill material. Engineering division is currently using the soil densitometer in the field. It would be used to check the compaction density in Old Farm Rd.

3) A new construction inspector position has been added to the engineering division staff (filling a vacant position in Highway Division). The inspector was hired in February 2016. The inspector's duties, among many, include inspection of National Grid's (and all other utilities) trench backfill operations throughout the city, and ensuring that the trenches are backfilled and compacted to city specifications.

After much discussion, we feel that both the extent of repaving as well as the departments ability to properly inspect the work and ensure quality control provides a reasonable engineering compromise to the petitioner's request.

Alternatively, if the petition is again denied, the 5 year moratorium expires in the spring of 2017. At that time, National Grid may again petition for a grant of location for the new gas main, and we would recommend that the petition be granted, and only the area of the trench would be required to be repaired and paved, not the entire roadway surface.

This is a change to the policy in year 5 of the moratorium, with conditions attached to improve our city streets. We have no intention of revising the policy, and we do adhere to the policy on a regular basis.

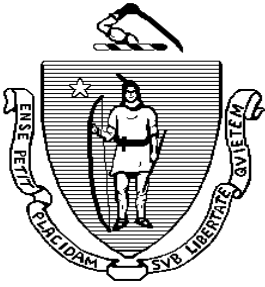
Sincerely,

James McGonagle
Commissioner Public Works

Final Label Report

#124-16

SBL	Owner	Number	Street	Unit
82020 0013	OBRIEN TIMOTHY R	411	BROOKLINE ST	
82015A0002	EHSASSI PIROOZ & ROSEMARY	414	BROOKLINE ST	
82015A0003	HILL BARNEY & ROSALYN R L/E	422	BROOKLINE ST	
82016 0015	KORNFELD MONIQUE H TR	429	BROOKLINE ST	
82020 0010	LEUCHTENBERGER MARK		OLD FARM RD	
82020 0012	12 OLD FARM ROAD DEV LLC	12	OLD FARM RD	
82020 0011	LEUCHTENBERGER MARK	20	OLD FARM RD	
82016 0016	BAVLY ERIC M & MIRIAM E	25	OLD FARM RD	
82016 0017	GUPTA AVNEESH	33	OLD FARM RD	
82016 0018	KARPOVSKY ALEKSANDR	41	OLD FARM RD	
82016 0019	FINS MARK L TR	47	OLD FARM RD	
82016 0020	WEBBER ANTHONY & NANCY FOX	55	OLD FARM RD	
82016 0021	STEIN MARK A & DONNA I TRS	65	OLD FARM RD	
82020 0009	DORNE ROBERT A & KERRIN ROGERS	68	OLD FARM RD	



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 16-31

May 18, 2016

Investigation of the Department of Public Utilities, on its own motion, instituting a rulemaking pursuant to the G.L. c. 164, § 144, G.L. c. 30A, § 2; and 220 C.M.R. § 2.00 et seq., establishing requirements for Uniform Natural Gas Leaks Classification.

ORDER INSTITUTING RULEMAKING

I. INTRODUCTION

On June 26, 2014, Governor Patrick signed Chapter 149 of the Acts of 2014, An Act Relative to Natural Gas Leaks (“Act”). Section 2 of the Act amends G.L. c. 164 by adding Section 144. The Act directs the Department of Public Utilities (“Department”) to promulgate regulations necessary to implement uniform natural gas leak classifications and to oversee and monitor gas company¹ response and reporting. St. 2014, c. 149, § 2. The Department institutes this rulemaking pursuant to G.L. c. 30A, § 2 and 220 C.M.R. § 2.00 et seq., establishing 220 C.M.R. § 114.00 et seq., Uniform Natural Gas Leaks Classification, for the purpose of adopting uniform natural gas leak classification requirements.

II. PROPOSED REGULATIONS

The proposed regulations establish a system to classify natural gas leaks as Grade 1, Grade 2, or Grade 3 leaks, and to take steps to repair or monitor the Grade 1 through 3 leaks based upon the classification level, consistent with G.L. c. 164, § 144. Proposed Regulations, 220 C.M.R. § 114.04(3).² In addition, the proposed regulations specify requirements for

¹ The proposed regulations apply to every gas distribution company, municipal gas department, or other person engaged in the distribution of natural gas.

² A Grade 1 leak is defined as an existing or probable hazard to persons or property, which requires repair as immediately as possible, and continuous action until the conditions are no longer hazardous. Proposed Regulations, 220 C.M.R. § 114.04(3)(a). A Grade 2 leak is defined as non-hazardous to persons or property at the time of detection, but justifies scheduled repair based on probable future hazard. Proposed Regulations, 220 C.M.R. § 114.04(3)(b). The gas company shall repair Grade 2 leaks or replace the main within twelve months from the date the leak was classified, and shall reevaluate Grade 2 gas leaks at least once every six months until eliminated. Proposed Regulations, 220 C.M.R. § 114.04(3)(b). A Grade 3 leak is recognized as non-hazardous to persons or property at the time of detection and is

undertaking projects in a public way exposing confirmed natural gas infrastructure, and mandate the prioritization of gas leak repairs located within a school zone.³ Proposed Regulations, 220 C.M.R. §§ 114.05 and 114.06. The proposed regulations also require each gas company to report Grade 1, Grade 2, and Grade 3 gas leak information in its annual service quality report to the Department.⁴ Proposed Regulations, 220 C.M.R. § 114.07. Finally, the proposed regulations direct each gas company to incorporate natural gas leaks classification procedures into its written procedures manual to ensure compliance with G.L. c. 164, § 144 and 220 C.M.R. 114.00. Proposed Regulations, 220 C.M.R. § 114.08.

III. SOLICITATION OF COMMENTS

The proposed regulations are attached to this Order and may be inspected at the Department's offices, One South Station, Boston, Massachusetts. The Department seeks initial written comments on the proposed regulations no later than 5:00 p.m. on **Tuesday, July 5, 2016**. Written comments shall be limited in length to a maximum of ten one-sided, double-spaced typewritten pages. Any person who desires to file written comments shall file two (2) copies of such written comments with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110. To provide further

expected to remain non-hazardous, but shall be reevaluated during the next scheduled survey or within twelve months, whichever comes first. Proposed Regulations, 220 C.M.R. § 114.04(3)(c).

³ A school zone means on or within 50 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational, or secondary school.

⁴ This provision applies only to the local gas distribution companies.

opportunity for comment, and pursuant to G.L. c. 30A, §§ 2 and 4, and 220 C.M.R. § 2.05, the Department will hold a public hearing on **Thursday, July 14, 2016**, at 10:00 a.m. at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts. Following the public hearing, written reply comments must be filed no later than **5:00 p.m. on Tuesday, July 19, 2016**. Reply comments should be limited in length to a maximum of ten one-sided, double-spaced typewritten pages.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the hearing officer jennifer.cargill@state.ma.us; or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 16-31); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Documents filed with the Department will be available for public inspection at its offices during business hours and through our website, <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "16-31").

220 CMR 114.00: UNIFORM NATURAL GAS LEAKS CLASSIFICATION

Section

114.01: Purpose and Scope

114.02: Definitions

114.03: Applications for Exceptions from 220 CMR 114.00

114.04: Uniform Gas Leak Classification

114.05: Requirements for Projects in a Public Way

114.06: Prioritization of Projects Located within a School Zone

114.07: Annual Reporting Requirements

114.08: Gas Company Procedures Manual

114.01: Purpose and Scope

- (1) Purpose. 220 CMR 114.00 establishes regulations governing:
 - (a) uniform natural gas leaks classification;
 - (b) requirements for undertaking projects in a public way;
 - (c) prioritization of projects located within a school zone; and
 - (d) annual reporting requirements, consistent with the provisions of M.G.L. c. 164, § 144.
- (2) Scope. 220 CMR 114.00 applies to every gas company, municipal gas department, or other person engaged in the distribution of natural gas.

114.02: Definitions

For the purposes of 220 CMR 114.00, the terms set forth in 220 CMR 114.02 shall be defined as follows:

Annual Service Quality Report means a Company's annual report which compares its performance in the previous calendar year to the Department's service quality standards, as required by M.G.L. c. 164, § 11.

Gas Company refers to every gas company, municipal gas department, or other person engaged in the distribution of natural gas, as provided in G.L. c. 164, §§ 1 and 34.

Department means Department of Public Utilities, Commonwealth of Massachusetts.

Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies, as defined in 49 CFR 192.3.

School Zone means on or within 50 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational, or secondary school.

114.03: Applications for Exceptions from 220 CMR 114.00

Any person engaged in the classification of natural gas leaks may make a written request to the Department for an exception to the provisions of 220 CMR 114.00, in whole or in part.

The request shall justify why the exception should be granted and shall demonstrate why the exception sought does not detract from the safety objectives of 220 CMR 114.00. The request shall include details on the need for the exception, specific information on the circumstances surrounding the requested exception, the provisions of 220 CMR 114.00 from which exception is sought, and a description of any safety consequences that might result from the exception. Documentation in support of the request shall be submitted.

The Department may deny the exception or grant the exception as requested, or as modified by the Department and subject to conditions. Any exception shall be issued in writing and may be made by the Director of the Pipeline Engineering and Safety Division, or by the Director's functional successor in the event of an internal reorganization of the Department. Any person aggrieved by a decision of the Director regarding a request for an exception may appeal the Director's decision to the Commission. Any appeal shall be in writing and shall be made not later than ten business days following issuance of the written decision of the Director.

114.04: Uniform Gas Leak Classification

- (1) Every person whose job duties or responsibilities include the classification of natural gas leaks shall be trained and qualified to ensure proper classification.
- (2) Each Gas Company shall classify natural gas leaks within a reasonable amount of time of discovery taking into consideration the following minimum circumstances:
 - (a) the operating pressure of the pipeline;
 - (b) the size of the leak migration pattern; and
 - (c) the population density.
- (3) Each Gas Company shall assess a grade to all reported natural gas leaks as follows:
 - (a) Grade 1 Leak. A Grade 1 leak shall be a leak that represents an existing or probable hazard to persons or property. Grade 1 leaks require repair as immediately as possible and continuous action until the conditions are no longer hazardous and the source of the leak is eliminated. Whenever appropriate and feasible, a Gas Company shall notify the fire department and chief law enforcement officer in each city or town where a Grade 1 leak is identified.
 - (b) Grade 2 Leak. A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection, but justifies

scheduled repair based on probable future hazard. The Gas Company shall repair Grade 2 leaks or replace the pipeline within 12 months from the date the leak was classified. All Grade 2 leaks shall be reevaluated by a Gas Company at least once every six months until eliminated; provided, however, that the frequency of reevaluation shall be determined by the location and magnitude of the leakage condition.

(c) Grade 3 Leak. A Grade 3 Leak shall be a leak that is recognized as non-hazardous to persons or property at the time of detection and can be reasonably expected to remain non-hazardous. The Gas Company shall reevaluate Grade 3 leaks during the next scheduled survey, or within 12 months from the date last evaluated, whichever occurs first, until the leak is eliminated or the pipeline is replaced. A municipal or state public safety official may request a reevaluation of a Grade 3 leak prior to the next scheduled survey, or sooner than 12 months of the date last evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety.

114.05: Requirements for Projects in a Public Way

(1) Upon the undertaking of a significant project that requires the restoration of pavement in a public way over or above natural gas infrastructure, and with sufficient notice, a municipality or the Commonwealth shall submit written notification of the project to a Gas Company. The Gas Company shall:

- (a) survey the project area for the presence of Grade 1 or Grade 2 leaks and set repair and replacement schedules for all known or newly detected Grade 1 and Grade 2 leaks;
- (b) ensure that any shut off valve in the significant project has a gate box installed upon it or a reasonable alternative that would otherwise ensure continued public safety and that any critical valve that has not been inspected and tested within the past 12 months is verified to be operational and accessible; and
- (c) provide the repair and replacement schedule of gas leaks to the municipality or the Commonwealth.

114.06: Prioritization of Projects Located within a School Zone

Each Gas Company shall prioritize any pipeline repairs required under 220 CMR 114.00 for gas leaks detected within a school zone.

114.07: Annual Reporting Requirements

- (1) Each Gas Company shall document and keep records of its classification and/or repair of natural gas leaks.
- (2) Each Gas Company required to file an Annual Service Quality Report to the Department shall report:
 - (a) the location of each Grade 1, Grade 2, and Grade 3 leak existing as of the date of the report;

- (b) the date each Grade 1, Grade 2, and Grade 3 leak was classified; and
 - (c) the dates of repairs performed on each Grade 1, Grade 2, and Grade 3 leak.
- (3) Each Gas Company shall specify any reclassification of previously identified leaks in its annual report. For each reclassified leak, the Gas Company shall provide the following minimum information:
- (a) the change in the gas in air readings;
 - (b) the leak migration pattern; and
 - (c) a justification for the change in classification.
- (4) Gas leak information shall be made available to any municipal or state public safety official upon written request to the Department.

114.08: Gas Company Procedures Manual

Each Gas Company shall incorporate natural gas leaks classification procedures into their written procedures manuals, required under 49 CFR Part 192.605, to ensure compliance with M.G.L. c. 164, § 144 and 220 CMR 114.00.

REGULATORY AUTHORITY

220 CMR 114.00: M.G.L. c. 164, §§ 66, 76, 76C, 105A and 144.

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR

DONNALYN B. LYNCH KAHN

ASSOCIATE CITY SOLICITOR

OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

MARIE M. LAWLOR
 ANGELA BUCHANAN SMAGULA
 ROBERT J. WADDICK
 MAURA E. O'KEEFE
 JEFFREY A. HONIG
 ALAN D. MANDL
 JULIE B. ROSS
 JILL M. MURRAY
 SUZANNE P. EGAN

To: Deb Crossley, Chair
 Public Facilities Committee

From: Alan Mandl

Date: June 3, 2016

Re: DPU 16-31: Rulemaking to Implement the Uniform Gas Leak Classification Statute

BACKGROUND

This memo responds to your request for a review of the DPU rulemaking to implement the 2014 uniform gas leak classification statute.

Chapter 149 of the Acts of 2014, an Act Relative to Natural Gas Leaks (the "Act"), now codified as General Laws Chapter 164, Section 144, directed the DPU to adopt regulations necessary to implement uniform natural gas leak classifications and to oversee and monitor gas company response and reporting. On May 18, 2016, the DPU issued an Order opening this rulemaking docket. The Order includes proposed regulations (220 CMR §114.00 et seq.) for these purposes.

In summary, the DPU's proposed regulations:

- Establish a system to classify natural gas leaks as Grade 1, Grade 2 or Grade 3 leaks
- Establish a system to take steps to repair or monitor the Grade 1 through Grade 3 leaks based upon classification level
- Specify requirements for undertaking significant projects in a public way exposing confirmed natural gas infrastructure
- Mandate the prioritization of the repair of gas leaks located within a school zone
- Require gas companies to report Grade 1, Grade 2 and Grade 3 gas leak information in their annual service quality reports to the DPU
- Direct gas companies to incorporate natural gas leaks classification procedures into their written procedures manual to ensure compliance with the Act and 220 CMR §114.00.

RULEMAKING PROCESS DUE DATES

Initial Written Comments	by 5PM on July 5, 2016
Public Hearing at DPU ¹	10AM on July 14, 2016
Written Reply Comments	by 5PM on July 19, 2016

Procedures for the submission of written comments are included in the DPU's Order.

DISCUSSION OF THE DPU'S PROPOSED RULES

The following summarizes the primary sections of proposed rules and identifies topics for discussion. The Committee should obtain input from the Fire Department, Department of Public Works, Parks and Recreation Department and the Sustainability Director on the proposed rules and this memo. I understand that HEET and the MAPC are likely to submit comments.

1. 220 CMR 114.03- Applications for Exceptions from 220 CMR 114.00

The proposed rules allow a gas company to make a written request for an exception from any or all parts of 220 CMR 114.00. The requester must demonstrate why the requested exception(s) do not detract from the safety objectives of 220 CMR 114.00 and provide detailed support on the need for the requested exception(s). The DPU may deny the request or grant an exception as requested or as modified by the DPU and subject to conditions. Any exception must be issued in writing. Any person aggrieved by a DPU decision regarding a request for an exception may appeal the decision (made by the Director of the Pipeline Engineering and Safety Division) the DPU Commissioners. Such an appeal must be in writing and made not later than 10 business days following the issuance of the written decision by the Director.

Discussion

- DPU legal authority to adopt this type of “exceptions” provision, whether this proposed rule is inconsistent with the Act²
- If included in the final rule, whether this proposed section should be revised to require notice to the AG and affected municipalities of any request for exceptions and an opportunity to submit comments and request a hearing.

¹ Located at One South Station, 5th Floor, in Boston.

² While the DPU has a similar “exceptions” provision in its existing gas rules, 220 CMR 107.02, these rules were adopted pursuant to its general supervisory authority under General Laws Chapter 164, Section 76C and are not inconsistent with any other provision of law.

2. 220 CMR 114.04-Uniform Gas Leak Classification

Any person whose job duties include gas leak classification must be trained and qualified to ensure proper classification.

Each gas company shall classify gas leaks within a reasonable amount of time of discovery taking into consideration the following minimum circumstances:

- (a) The operating pressure of the pipeline;
- (b) The size of the leak migration pattern; and
- (c) The population density.

Each gas company must assess a grade to all reported gas leaks: Grade 1, Grade 2 and Grade 3. The rule defines these grades of leaks in the same way that they are defined in the Act.

Tracking the Act, the proposed rule provides, “A municipal...public safety official may request a reevaluation of Grade 3 leak prior to the next scheduled survey, or sooner than 12 months of the date last evaluated, if the official reasonably believes that the Grade 3 leak poses a threat to public safety.”

Discussion

- **Training and Qualifications**

Whether it is necessary that the rule require that gas companies file with the DPU and keep updated their training requirements and qualifications for persons whose job duties include gas leak classification. Also, whether gas companies should be required to make annual certifications to the DPU regarding training and qualifications. These filings can be integrated with annual gas company service quality reports. It must be determined whether this information already is being filed by the gas companies.

- **Leak Classifications-Minimum Circumstances in Classifying Gas Leaks**

The adequacy of these minimum circumstances should be reviewed. The need for any additional circumstances should be considered.

Discuss classification of a gas leak believed to be causing public shade tree damage, including costs and benefits.

- **Grade 1**

Discuss with public safety officials (1) whether they have any issues with gas company notification practices for Grade 1 leaks and (2) whether timely notices are usually “appropriate and feasible” to provide.

- **Grade 3 Reclassification**

Discuss (1) current City information on the location of Grade 3 leaks; (2) how public safety officials would make a leak reclassification requests; (3) the standard that a public safety official should apply to determine whether a Grade 3 leak poses a threat to public safety; (4) whether the rules should provide that this request be made in writing, that the gas company must respond to a request, conduct an evaluation and provide a written statement of its evaluation and reasons for action or inaction; (5) whether the rules should include guidelines for public safety officials; and (6) whether the rules should describe what recourse is available if a public safety official disagrees with gas company action or inaction regarding a leak reclassification request.

3. 220 CMR 114.05-Requirements for Projects in a Public Way

This section tracks the Act. It requires municipalities to notify gas companies when they are planning a “significant project” in a public way where there may be gas lines under the project area. The advance notice is designed to enable the gas company to inspect the project area for Grade 1 and Grade 2 leaks, notify the municipality of the repair and replacement schedule and perform repair and replacement work while the street is opened up. This section also requires gas companies to assure that gate boxes are operational and accessible and not paved over.

Discussion

- Discuss whether the rule should define a “significant project” and provide for written agreement by a gas company and municipality that a project is a “significant project”
- Discuss whether the variation between the Act (“Upon the undertaking of a significant project on a public way exposing confirmed natural gas infrastructure...”) and the proposed rule (“Upon the undertaking of a significant project that requires the restoration of pavement in a public way over or above natural gas infrastructure...”) is of any significance.
- Discuss whether the rule should define “project area.”
- Discuss whether the DPU should supplement what the statute requires and add a repair or replacement requirement regarding Grade 3 leaks.
- Discuss whether the repair or replacement decision should be left solely to the gas company or if the decision to repair or replace should be documented in light of specified criteria (for example, whether a main is leak prone, likely duration of a repair, cost and need factors in light of the project schedule). Gas companies probably have internal standards to guide repair or replace decisions.
- Discuss whether the rule should require the gas company to provide details to the City on the steps that the gas company is taking to assure that critical valves are operational and

accessible. DPW should assure that it provides adequate notice to the gas company needed to avoid paving over gate boxes.

- Public way projects require coordination between the City and the gas company. Discuss whether the rule should require that survey results be provided to the City, when the survey should be conducted once the gas company has received notice and the effect of any change in the City's or gas company's schedule.

4. 220 CMR 114.06-Prioritization of Projects Located within a School Zone

Gas companies must prioritize any pipeline repairs for gas leaks detected within a school zone.

Discussion

- Discuss current gas company practices and what exactly the gas company must do in order to comply with this requirement.
- The Act and the proposed rule refer to repairs, not main replacement work. If leak prone infrastructure is present, the Act and proposed rule do not require main replacement for gas leaks detected within a school zone.

5. 220 CMR 114.07-Annual Reporting Requirements

The proposed rule adds a requirement that each gas company must document and keep records of its classification and/or repair of gas leaks.

Both the Act and the proposed rule require gas companies to file with their annual service quality reports (1) the location of each Grade 1-3 leak existing as of the date of the report; (2) the date each Grade 1-3 leak was classified; and (3) the dates of repairs performed on each Grade 1-3 leak.

Both also require that the gas company specify any reclassification of previously identified leaks in its annual report. The proposed rule goes further and requires that for each reclassified leak, the gas company must file at least (a) the change in gas air readings; (b) the leak migration pattern; and (c) a justification for the change in classification.

Both the Act section and this proposed rule section require that gas leak information be made available to any municipal public safety official upon written request to the DPU.

The placement of this requirement suggests that the only gas leak information that can be requested of the DPU is what is in the annual gas leak report.

Discussion

- The DPU should revise its proposed rules to require that gas companies submit to the DPU annual community specific gas leak data in an electronic format which can be requested by and provided to municipal public safety officials. Said another way, even if the data were not organized by community, it would be easier to extract community specific data from a spreadsheet than to cull it out of a voluminous, tiny print document. The current annual reports posted on the DPU website are in very small print and gas leak data is not organized by community. While it would be feasible for the City to create its own spreadsheet with City-specific data, it is more efficient for communities to receive annual gas leak data in an electronic format. When data of this type is included in utility filings, it is not uncommon for the DPU and AG to request and receive the electronic spreadsheet
- Discuss whether the DPU should enable public safety officials to obtain more current gas leak information for all grades of leaks. Through cooperation with National Grid, the City now receives monthly updates on Grade 1 and Grade 2 leaks repaired during the prior month (in addition to real time information on Grade 1 repairs). Any existing sharing of Grade 3 leak information should be discussed with DPW.

Other

The DPU cites as regulatory authority for the proposed rules several statutory sections, not just the Act, although the rulemaking has been initiated pursuant to the Act. The specific authority of the DPU over gas leaks under the Act does not bar the DPU from taking consistent actions under its more general supervisory authority.³

The proposed rules do not address specifically municipal concerns about gas leaks causing damage to municipally-owned trees.

New regulations may be subject to review in accordance with Executive Order No. 562. While Executive Order No. 562 was due to expire in March 2016, its provisions regarding new rules were to remain in place until further notice.

³ 39 Mass. Prac., Administrative Law & Practice, §750 (2015). *Grocery Manufacturers of America, Inc. v. Department of Public Health*, 379 Mass. 70 (1979) at 76 (“Specific statutory authority to act in a particular respect does not bar consistent action under general statutory authority.”).