



# Public Facilities Committee Agenda

## City of Newton In City Council

Wednesday, October 19, 2016

7:00 PM  
Room 204

### Items Scheduled for Discussion:

#### Referred to Public Facilities Committee

- #66-16(2) Site Plan Approval for the Cabot Elementary School Project**  
DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for schematic design and site plan approval to construct an addition and renovate the Cabot Elementary School located at 229 Cabot Street, Newtonville, the city's newly acquired property at 23 Parkview Avenue, Newtonville and a portion of Parkview Avenue abutting the school site in the east. [09/29/16 @ 12:30 PM]

#### Referred to Public Facilities and Finance Committees

- #358-16 Appropriate \$46,590,000 for the renovation of and addition to the Cabot School**  
HIS HONOR THE MAYOR requesting authorization to appropriate forty-six million five hundred ninety thousand dollars from bonded indebtedness for the purpose of funding the renovation and construction of an addition at the Cabot Elementary School. [10/11/16 @ 11:29 AM]
- #350-16 Eversource petition for grant of location at Crafts Street**  
EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole #108/54-1X approximately 40'± southwesterly to allow for widening of the campus entrance at the Fessenden School.(Ward 3) [09/27/2016 @ 3:14 PM]
- #351-16 National Grid petition for grant of location in Austin Street**

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

NATIONAL GRID petitioning for a grant of location to install and maintain 2000' ± of 8" gas main in Austin Street from existing main at Mt. Vernon Street easterly to the 8" main at Walnut Street.(Ward 2) [10/03/2016 @11:17 AM]

**Referred to Public Safety & Transportation, Public Facilities and Finance Committees**

- #335-16      **Request for Ordinance amendments to require removal of snow from sidewalks**  
COUNCILOR DANBERG requesting that §26-8 through §26-9 and §20-21 of the City of Newton Rev. Ords., 2012, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers from sidewalks abutting their property and to review and amend enforcement provisions including structure of fines for snow removal violations. [09/27/16 @ 11:36 AM]

**Referred to Public Facilities and Finance Committees**

- #357-16      **Reallocate \$250,467.24 for decommissioning two elevated storage tanks**  
HIS HONOR THE MAYOR requesting authorization to reallocate the sum of two hundred fifty thousand four hundred sixty-seven dollars and twenty-four cents (\$250,467.24) from the Waban Hill Reservoir Improvements Account to be used for the decommissioning of the Stanton Avenue and Winchester Street elevated storage tanks. [10/11/16 @ 11:29 AM]

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

**Referred to Finance and Appropriate Committees**

- #359-16      **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]

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

- #344-16      **Discussion regarding oversight of all city/school buildings to improve efficiencies**  
COUNCILOR LAPPIN requesting a discussion regarding the Public Buildings Department overseeing all public buildings, including School Department facilities, to improve efficiencies. [10/07/16 @ 10:47 AM]

**Referred to Public Facilities and Finance Committees**

- #334-16      **Request to connect Walsingham Street to City sewer system**  
COUNCILORS GENTILE, SANGIOLO, AND HARNEY, on behalf of the residents of Walsingham Street, requesting the necessary approvals to connect Walsingham Street to the City sewer system. [09/22/16 @ 11:15 AM]

- #249-16**      **Cellco petition for Grant of Location 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 [(Ward 8) 07/01/2016 @11:17 AM]:

Locations

Dudley Road (near 530 Dudley Road) at Pole #10-7  
Hay Road (near 16 Hay Road) at Pole #1368-1

**Public hearing**

- #281-16**      **Cellco petition for Grant of Location 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 Pole #20-20 at Sargent Street (near the Sargent/Centre intersection). (Ward 7) [07/20/2016 @12:21 PM]

**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]
- #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]

**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]
- #206-16**      **Resolution requesting the administration hire a composting expert**  
COUNCILOR LEARY requesting a Resolution to the Mayor requesting that he consider hiring a composting expert: either a consultant, a composting operator, or the Mass DEP to review the Rumford Avenue Composting site. [05/31/16 @ 4:52 PM]
- #207-16**      **Review of the management of the Rumford Avenue site**

COUNCILOR LEARY requesting the Executive Office and the Commissioner of Public Works review the management of the entire Rumford Avenue site with the input of the Solid Waste Commission and present their findings to the Public Facilities Committee within a 3 to 6 month timeframe. [05/31/16 @ 4:52 PM]

### **Referred to Public Safety & Transportation and Public Facilities Committees**

**#208-16**      **Update on fire prevention at the compost operation at Rumford Avenue Landfill**  
COUNCILOR LEARY requesting the Executive Office, the Fire Department, and the Department of Public Works provide an update on fire safety issues at the compost operation at the Rumford Avenue Landfill including details about who is currently managing the site for fires. [05/31/16 @ 4:52 PM]

**#163-16**      **Request for discussion with DPW to consider amend Ordinance for street reconstruction**

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**

**#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]

**#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].

**Referred to Public Facilities and Finance Committees**

**#191-16 Funding to relocate the Zervas modulars to NSHS and Brown Middle School**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Executive Office	Full-time Salaries	\$40,000
Treasury	Debt Service (010772-582A48)	\$403,784
Treasury	Debt Service (010772-582A49)	\$21,216
Financial Info Systems	Full-time Salaries	\$35,000

[05/09/16 @ 4:59 PM]

**#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**





Design Review Committee  
PUBLIC BUILDINGS DEPARTMENT  
Ellen Light and Peter Barrer, Co-Chairs  
Joshua R. Morse, Commissioner  
Telephone (617) 796-1600  
FAX (617) 796-1601  
TTY: (617) 796-1089  
52 Elliot Street  
Newton Highlands, MA 02461-1605

**Setti D. Warren**  
Mayor

Honorable City Council  
City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

29 September 2016

RE: Cabot Elementary School Project

SUBJECT: 100% Schematic Design and Site Plan Review

Honorable Council:

On Wednesday, 28 September 2016 the Design Review Committee met and reviewed the 100% Schematic Design and proposed site plans dated 28 September 2016 as presented by DiNisco Design Partnership on behalf of the Public Buildings Department and Newton Public Schools for the above referenced project.

The City of Newton working in collaboration with the Massachusetts School Building Authority is proposing the renovation and addition of the existing Cabot School. The existing building is to be renovated and new Library, Gymnasium and Classroom additions will be constructed resulting in an 84,500 S.F. school. The Project has undergone several reviews with the Newton Historic Commission which unanimously voted on 28 August 2016 its support for the proposed site plan and building massing.

The proposed project site includes the existing school site, the abutting property to the north at 23 Parkview Avenue (which was recently acquired by the City for the Cabot project), and the portion of Parkview Avenue abutting the school site to the east. The proposed site design features a new entry gathering plaza which directly connects the school and existing Cabot Park and includes shared parking, shared emergency access and egress, and new play structures located on the adjacent park. Final site planning has further reduced the impacts to the park which were previously approved by the Parks and Recreation Commission on 30 September 2015. The proposed site plan includes a new bus pull-off and loading space, new van loading and parking area, a new student drop-off / pickup lane, and additional new on-site parking. Site work also includes new utilities and landscaping.

The Design Review Committee determined that the schematic design and site plans are appropriate. Through the design review process several alternatives were studied. The DRC concurs that the proposed site plan organization and building massing provide the following significant benefits:

- Provides the best solution to the educational program requirements and functional needs of the school. Distributing the program around the existing structure reduces internal congestion and noise by separating the high use spaces; gymnasium, library, art, music and cafeteria, while the original building remains an integral part of the facility and hub of the school.
- Balances the needs of a modern elementary school with the integrity of the existing historic structure and continues its use as a public school. The proposed project will maintain and repair the exterior of the original 1929 building including masonry, stone work and cupola repairs, and replace the existing non-original windows with windows that are commensurate with the original building.
- Strengthens the relationship between the adjacent Cabot Park and the school by creating a physical continuous connection resulting in an enhanced public realm which provides greater student, pedestrian and public safety.
- Separates vehicular access and flow by providing three drop-off and pick-up zones. Buses are located in a pull-off directly adjacent to Cabot Street. Van loading and unloading is located in the front lot accessed from Bridges Street. Parent drop-off and pick-up is accommodated along the drive located at the north side of the site. Further, by directly connecting the school and park property, additional access is available on East Side Parkway on the opposite side of the park. Onsite parking as well as parking on adjacent Bridges Street, Parkview Avenue, and East Side Parkway is also provided.

- Is contextually appropriate to the surrounding residential neighborhood. Program spaces have been situated such that the smaller library mass is located along Bridges Street, the larger gymnasium has been located to front on the large open space afforded by Cabot Park while set back from Cabot Street. The cafeteria and classroom wing mass is located to the north of the original structure. By distributing the program the resulting mass to the north is therefore less dominant. In addition the original school entry is now both visible and accessible directly from Cabot Street.
- Mitigates the loss of views. At locations where additions meet the existing building lighter transparent corners utilizing glass allow the original building mass to be more visible. The existing masonry and stone facades at the new gymnasium connector and new entry between the existing building and north addition are left exposed and featured on the interior to further strengthen the view of the original building. Exterior fenestration at the new additions has been designed to create simple, unified elevations distinguishable from the existing building. Proportions, locations and modulation of new windows have been developed to be responsive to the original punched openings in the existing structure.

The Committee voted unanimously to recommend that the project be presented for site plan approval. In accordance with Section 5-58 of the Revised Ordinances, this letter is to petition the City Council on behalf of the School Department for Site Plan Approval. The DRC identified the following areas of design which will continue to be evaluated and refined by the design team and City through the Design Development Phase.

- Continue to develop opportunities for and refine pedestrian crossings, sidewalks, and walkways at Cabot Park. Particular attention should be given to locations of crosswalks around the school and surrounding streets.
- Coordinate with Parks & Recreation on final locations, widths, materials, and lighting for new pedestrian paths through Cabot Park to ensure maintainability and ease of snow removal.
- Provide enhanced or expanded bike rack facilities to promote bicycle use.
- Continue to develop opportunities for additional drop off and parking along Eastside Parkway. Continue to develop opportunities for shared parking on Bridges Ave., with Cabot Village, and on adjoining streets if needed to create a Parking Management Plan.
- Review the width of Cabot Street bus drop off and configure so as to discourage use by unauthorized vehicles.
- Coordinate proposed tree locations, sizes and species so as not to interfere with access of emergency vehicles. Trees should also be set back such that root zones do not interfere with paved areas.
- Continue to look for opportunities within the building, site and plaza to accommodate educational program enhancements, while continuing to improve the efficiency of the building and site. Particular attention should be given to plaza steps to provide additional railings and material changes to make steps highly visible. Lighting for plaza, walks, access and egress, and site to be further refined.
- Coordinate design and location of storm drainage infiltration systems, pervious pavement and potential waterproofing to protect existing basement from flooding.
- Continue with integrated design approach to the building's design through its mechanical systems, envelope, floor to floor heights, ceiling heights and the height and extent of glass and glazing, methods of sun control, day lighting, electrical lighting, sound control, and solar PV all to promote efficient performance of the building and reduce its overall energy consumption, consistent with both its purpose and context.
- The aesthetic of the exterior building elevations will continue to be developed, with a focus on window sizes and patterning as well as material choices, such as masonry sizes, coursing, and patterning. Attention will be given to the base, body, and cornice of the building. Exterior materials and colors to create both a harmonious and distinctive addition to the existing school.

Sincerely,



Ellen Light, AIA, LEED AP BD+C



Peter J. Barrer

Design Review Committee, Co-Chairs

CC: Joshua R. Morse, Commissioner of Public Buildings  
 Dori Zaleznik, Chief Administrative Officer  
 Maureen Lemieux, Chief of Staff / CFO  
 Dr. David Fleishman, School Superintendent  
 Liam Hurly, Deputy Superintendent/Chief Administrative Officer



**City of Newton, Massachusetts  
Office of the Mayor**

SETTI D. WARREN  
MAYOR

**#358-16**

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swarren@newtonma.gov

October 11, 2016

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RECEIVED  
2016 OCT 11 AM 11:29  
DAVID A. GILLEN, CLERK  
NEWTON, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of \$46,590,000 and authorize a general obligation borrowing of an equal amount for the purpose of funding the replacement of the Cabot Elementary School.

As you know, the citizens of the City of Newton approved a Debt Exclusion Ballot Question on March 12, 2013, by a count of 9,879 "Yes" votes to 7,919 "No" votes, to allow the City of Newton to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bonds issued in order to renovate or replace the Cabot Elementary School.

The Massachusetts School Building Authority is scheduled to vote on the Project Scope and Budget on November 9, 2016. Per MSBA requirements, the total amount of the project must be authorized. The Total Project Budget is estimated not to exceed \$49,000,000 with an anticipated minimum MSBA Facilities Grant of \$14,000,000, for an estimated maximum local share of \$35,000,000.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

CITY OF NEWTON, MASSACHUSETTS  
CABOT SCHOOL PROJECT

	ORIGINAL BUDGET <u>BO 421-13</u>	REVISIONS <u>BO 66-16</u>	REVISIONS <u>BO 213-16</u>	PENDING <u>#XXXXX</u>	AMENDED <u>BUDGET</u>
TRANSFER- GENERAL FUND	10,000.00				10,000.00
BOND SALE PROCEEDS *	990,000.00	1,010,000.00	400,000.00	\$ 46,589,776.00	48,989,776.00
<b>Total Financing Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 48,999,776.00</b>
<b>Category</b>					
OPM (includes Pre-Construction & Construction Services)	\$ 225,000	\$ -	\$ 100,000	\$ 1,279,000	\$ 1,604,000
Architect & Consultants (includes Pre-Construction Services)	\$ 525,000	\$ -	\$ 200,000	\$ 3,580,000	\$ 4,305,000
CM-At-Risk (includes Pre-Construction & Construction)	\$ -	\$ -	\$ -	\$ 36,370,776.00	\$ 36,370,776
Environment & Site	\$ 200,000	\$ -	\$ 50,000	\$ (35,000)	\$ 215,000
Other	\$ 50,000	\$ -	\$ 50,000	\$ 45,000	\$ 145,000
Consultants	\$ -	\$ -	\$ -	\$ 75,000	\$ 75,000
Furniture, Fixtures & Equipment	\$ -	\$ -	\$ -	\$ 810,000	\$ 810,000
Computer & Related Equipment	\$ -	\$ -	\$ -	\$ 660,000	\$ 660,000
Off Site Improvements	\$ -	\$ -	\$ -	\$ 1,545,000	\$ 1,545,000
Moving	\$ -	\$ -	\$ -	\$ 55,000	\$ 55,000
Advertising	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000
Printing Services	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000
Owners Contingency**	\$ -	\$ -	\$ -	\$ 360,000	\$ 360,000
Construction Contingency ***	\$ -	\$ -	\$ -	\$ 1,800,000	\$ 1,800,000
Land (acquisitions)	\$ -	\$ 1,010,000	\$ -	\$ -	\$ 1,010,000
<b>Total Expenditure Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 48,999,776.00</b>

\* To be reduced by MSBA grant reimbursements

49,000,000.00

\*\* Transfers for the construction contingency may be made with the prior approval of the Mayor

\*\*\* Transfers from the owners contingency may be made upon the recommendation of the Mayor and approval of the Board of Alderman

#10719

September 27, 2016

City Council  
City of Newton  
1000 Commonwealth Avenue  
Newton MA, 02459

RE: Crafts Street  
Newton, MA  
W/O #2166534

RECEIVED  
Newton City/Council  
2016 OCT 11 PM 2:11  
DAVID A. OWENS, OFFICE  
Newton, MA 02459

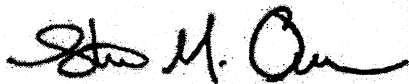
Dear Members of the Council:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and VERIZON NEW ENGLAND, INC. for the purpose of obtaining a Grant of Location to relocate one (1) pole on Crafts Street.

This work is necessary to widen the campus entrance at the Fessenden School.

Your prompt attention to this matter would be greatly appreciated. If you have any questions, please call Maureen Carroll at (781) 314-5053.

Sincerely,



Steven M. Owens  
Rights & Permits Supervisor

SMO/kj  
Attachments

**PETITION OF NSTAR ELECTRIC DBA EVERSOURCE ENERGY AND OTHER  
COMPANIES FOR JOINT OR IDENTICAL LOCATIONS FOR POLES**

To the City Council of the City of Newton, Massachusetts

Respectfully represent NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and VERIZON NEW ENGLAND, INC. companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they desire to construct a line upon, along and across the public way or ways hereinafter specified.

WHEREFORE, your petitioners pray that after due notice and hearing as provided by law the CITY COUNCIL, may by Order grant your petitioners joint or identical locations for the erection or construction of poles, to be owned and used in common by them, and for such other fixtures as may be necessary to sustain or protect the wires of the line, said poles to be located, substantially as shown on the plan made by A. DeBenedictis dated September 23, 2016 and filed herewith, upon, along and across the following public way or ways of said City:

**Crafts Street - Southerly side approximately 231 feet west of  
Albermarle Road  
Install one (1) joint owned pole #108/54-1X  
Remove one (1) joint owned pole #108/54-1X**

**W/O #2166534**

Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the City and used for municipal purposes.

**NSTAR ELECTRIC COMPANY d/b/a  
EVERSOURCE ENERGY**

By Steven M. Owens  
Steven M. Owens, Supervisor  
Rights and Permits

**VERIZON NEW ENGLAND, INC.**

By Paul Schneider

Dated this 27th day of September 2016

City of Newton, Massachusetts.

Received and filed \_\_\_\_\_, 2016

\_\_\_\_\_  
City Clerk

ORDER FOR JOINT OR IDENTICAL LOCATIONS FOR POLES

To the City Council of the City of Newton, Massachusetts

WHEREAS, NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and VERIZON NEW ENGLAND INC. have petitioned for joint or identical locations for the erection or construction of poles to be owned and used in common by them upon, along and across the public way or ways of the City hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and VERIZON NEW ENGLAND INC. be and hereby are granted joint or identical locations for the erection or construction of poles, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along and across the following public way or ways of said City:

**Crafts Street - Southerly side approximately 231 feet west of Albermarle Road  
Install one (1) joint owned pole #108/54-1X  
Remove one (1) joint owned pole #108/54-1X**

W/O #2166534

All construction work under this Order shall be in accordance with the following conditions:

Poles shall be of sound timber and located as shown on a plan made by A. DeBenedictis dated **September 23, 2016** on file with said petition. There may be attached to said poles by said NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and by said VERIZON NEW ENGLAND INC. wires and cables necessary for the conduct of their business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.  
A true record.

Attest: \_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_ 2016  
\_\_\_\_\_  
Mayor

**CERTIFICATE**

I hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter.Ed.), and any additions thereto or amendments thereof, to wit: -after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the City Clerk to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held at City Council in said City on \_\_\_\_\_ day of \_\_\_\_\_, 2016 at P.M.

\_\_\_\_\_  
City Clerk

**CERTIFICATE**

I hereby certify that the foregoing are true copies of the Order of the City Council of the City of Newton, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, and recorded with the records of location Orders of said City, Book \_\_\_\_\_ Page \_\_\_\_\_ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, as the same appear of record.

Attest: \_\_\_\_\_

Clerk of the City of Newton, Massachusetts

#451

4445



# CRAFTS ST

BACK OF SIDEWALK

CONC. SW

GRASS AREA

GRAN. CURB

JO/ES

108/54

231' TO ALBEMARLE RD.

(PRO)

JO/ES

108/54-1X

GRAN. CURB

GRAN. CURB

GRASS AREA

CONC. SW

BACK OF SIDEWALK

FESSENDEN LANE

GRASS AREA

CONC. SW

BACK OF SIDEWALK

JO/ES

108/54-1X

0 20 40

SCALE IN FEET

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus	⊕	C#	
Pole locations to be abandoned, shown thus	○	Ward #	
Proposed Anchor Guy shown thus	T	Work Order # 2188534	
Proposed Hip Guy shown thus	T <sub>H</sub>	Surveyed by: MR/JF	
Proposed Underground location shown thus	—	Research by:	
Proposed Push Brace shown thus	⊕	Plotted by: MR	
Existing Pole location shown thus	●	Proposed Structures: MR	
		Approved: A DEBENEDICTIS	
		P#	

<b>NSTAR EVERSOURCE</b> <small>d/b/a</small>	
<small>1188 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Plan of CRAFTS ST NEWTON	
Showing PROPOSED POLE RELOCATION	
Scale 1"=20'	Date SEPT. 23, 2016
SHEET 1 of 1	

350-16



**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 City Council 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 City Council. Upon filing with the City Council, the petition will be scheduled for a public hearing before the Public Facilities Committee of the City Council. **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 City Council
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 City Council
4. City Council schedules petition for a public hearing before the Public Facilities Committee of the City Council
5. Public Facilities Committee recommendations are forwarded to the City Council for a final decision

**Questions may be directed to:**

Lou Taverna, City Engineer, 617-796-1020  
City Council Office, 617-796-1210

**I. IDENTIFICATION (Please Type or Print Clearly)**

Company Name EVERSOURCE ENERGY

Address 200 CALVARY STREET, WALTHAM, MA 02453

Phone Number 781-314-5053 Fax Number 781-314-5165

Contact Person MAUREEN CARROLL Title RIGHTS AND PERMITS AGENT

Signature Maureen Carroll Date 9-27-2016  
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.

See Attached

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:  
 Title of Plan Crafts Street, Newton Date of plan September 23, 2016

**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:

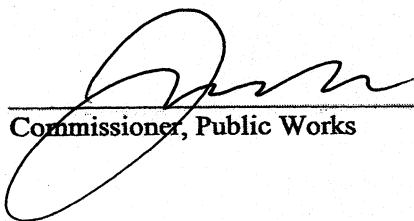
Certified Plot Plan  Stamped Plans

**DATE AND COMMENTS:**

**RECOMMENDATIONS:**

Any curbing or sidewalk damaged shall be replaced in kind.	
John Duffile	
Associate City Eng.	
Oct 13 2016	

**V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:**

  
 Commissioner, Public Works

10/13/16  
 Date

# 10689

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 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

2016 OCT 3 11:17  
NEWTON  
MASSACHUSETTS  
DEPARTMENT OF PUBLIC WORKS

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 DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature [Signature] Date 10-3-16  
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.

TO INSTALL AND MAINTAIN APPROXIMATELY 2000 FEET MORE OR LESS OF 8 INCH GAS MAIN IN AUSTIN ST NEWTON FROM THE EXISTING 8 INCH GAS MAIN AT MT. VERNON ST. EASTERLY TO THE EXISTING 8 INCH GAS MAIN AT WALNUT ST. ALL OF WHICH TO REPLACE AND ABANDON THE EXISTING 8 INCH GAS MAIN IN AUSTON ST.

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

Title of Plan 8 INCH GAS MAIN AUSTIN ST Date of plan 9-23-16

**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:

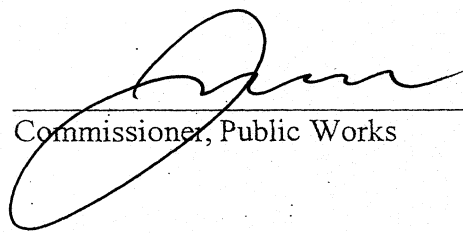
Trench shall be compacted to 95% Proctor. Any curbing + sidewalk damaged shall be restored in kind.

Trench patch shall be 3" Binder + 1" Baby Binder to match existing finished roadway.

John Daghlian, Associate City Engineer Oct. 5, 2016

RECEIVED  
NOV 03 08:14  
2016 OCT -3 AM 11:47  
DAVID A. OISAN, CPE  
NEWTON, MA 02459

**V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:**

  
Commissioner, Public Works

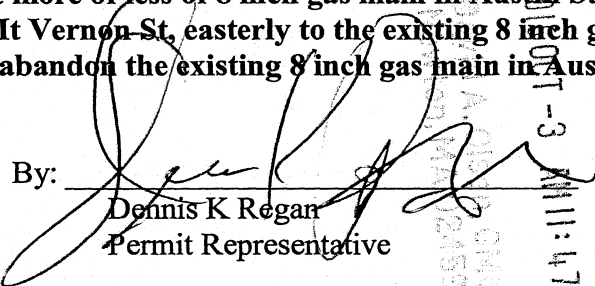
10/13/16  
Date

**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 2,000 feet more or less of 8 inch gas main in Austin St., Newton. From the existing 8 inch gas main at Mt Vernon St, easterly to the existing 8 inch gas main at Walnut St. All of which to replace and abandon the existing 8 inch gas main in Austin St.**

Date: September 29, 2016

By:   
Dennis K Regan  
Permit Representative

RECEIVED  
CITY OF NEWTON  
PERMIT SECTION  
OCT-3 11:47

**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 September 29, 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 # 144-1

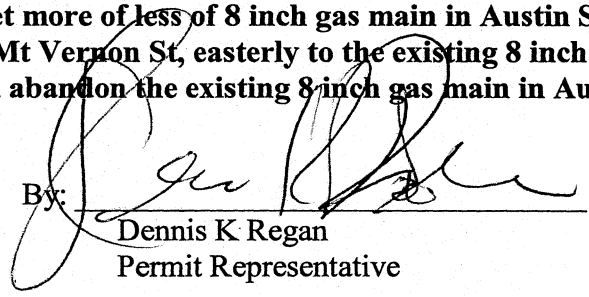
**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**

**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 2,000 feet more or less of 8 inch gas main in Austin St., Newton. From the existing 8 inch gas main at Mt Vernon St, easterly to the existing 8 inch gas main at Walnut St. All of which to replace and abandon the existing 8 inch gas main in Austin St.**

Date: September 29, 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 September 29, 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 # 144-1**

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

## Abutter's List Austin St. Newton

GROSSMAN CO INC	12 AUSTIN ST	NEWTON MA	02460- 1820
NEWTON CITY OF	28 AUSTIN ST	NEWTON MA	02460- 1850
STAR MARKETS CO INC	33 AUSTIN ST	NEWTON MA	02460- 1842
BENLIN PROPERTIES LLC	40 AUSTIN ST	NEWTON MA	02460- 1850
L & B	46 AUSTIN ST STE 48	NEWTON MA	02460- 1862
L & B	66 AUSTIN ST	NEWTON MA	02460- 1844
DEMAIO RONALD	70 AUSTIN ST	NEWTON MA	02460- 1844
SALOMAN SYDNEY A	76 AUSTIN ST	NEWTON MA	02460- 1844
NEWTON CITY OF	86 AUSTIN ST	NEWTON MA	02460- 1849
PATRICIA LEE	104 AUSTIN ST	NEWTON MA	02460- 1849
KWONG BRUCE	106 AUSTIN ST	NEWTON MA	02460- 1849
JIANING SUN	110 AUSTIN ST	NEWTON MA	02460- 1849
CARLSON ADRIENNE	118 AUSTIN ST	NEWTON MA	02460- 1849
GURRY RENEE	122 AUSTIN ST	NEWTON MA	02460- 1849
MAGUIRE PATRICIA A	130 AUSTIN ST	NEWTON MA	02460- 1849
HUMPHREY CHIN	144 AUSTIN ST	NEWTON MA	02460- 1849
SABETFARD EDWARD	184 AUSTIN ST	NEWTON MA	02465- 2560
288 WALNUT ST ST RT /TRUST	288 WALNUT ST	NEWTON MA	02460-1948
BANK OF AMERICA	303 WALNUT ST	NEWTON MA	02460-1927
304 WALNUT ST LLC	304 WALNUT ST	NEWTON	02460-1907

		MA	
WALNUT ST RT /TRUST	305 WALNUT ST	NEWTON MA	02460-1927
WOLEK-ELLIOT ROSE (TE)	308 WALNUT ST	NEWTON MA	02460-1907
NEWTON MASONIC ASSOC INC	454 NEWTONVILLE AVE	NEWTON MA	02460-1925
NEWTON MASONIC ASSOC INC	456 NEWTONVILLE AVE	NEWTON MA	02460-1925
NEWTON MASONIC ASSOC INC	456 NEWTONVILLE AVE	NEWTON MA	02460-1925
COTTON DEANNA J	216 LOWELL AVE	NEWTON MA	02460-1833
HOEY CONOR J	222 LOWELL AVE	NEWTON MA	02460-1833
EARLE	9 ELMWOOD PARK	NEWTON MA	02460-1809
CLANCY FRANCES K	15 ELMWOOD PARK # 2	NEWTON MA	02460-1809
MASON MICHAEL L	15 ELMWOOD PARK # 1	NEWTON MA	02460-1809
GOBLER MICHAEL R	19 ELMWOOD PARK	NEWTON MA	02460-1809
MAGNI ARTHUR A	107 MOUNT VERNON ST	NEWTON MA	02465-2559
LONG MARY R	111 MOUNT VERNON ST	NEWTON MA	02465-2559
GARBER LEONARD J	6 MOUNT VERNON TER	NEWTON MA	02465-2536
FELDMAN PAULA F	7 MOUNT VERNON TER # 2	NEWTON MA	02465-2536
GITTLEMAN PETER	7 MOUNT VERNON TER # 1	NEWTON MA	02465-2536
PALLONE CHARLES R	15 MOUNT VERNON TER	NEWTON MA	02465-2536
MASTANTUONO SALVATORE	18 MOUNT VERNON TER	NEWTON MA	02465-2536
GAUDES CATHERINE G	21 MOUNT VERNON TER	NEWTON MA	02465-2536
LAUKAITIS JOSEPH H	24 MOUNT VERNON TER	NEWTON MA	02465-2536



# **Proposed Sidewalk Clearing Ordinance**

**Docket #335-16**

**Materials for Discussion**

PROPOSED SNOW ORDINANCE AMENDMENT (9/29/2016):

- Consolidates sidewalk snow removal requirements into one section Sec. 26-8.
- Commercial: adds mixed use and manufacturing districts to the business district requirements, and reduces the time period for compliance from 24 hours to 12 hours. Changes fine structure from graduated (\$100/\$200/\$300) to \$100 flat for each offense. (Each day violation continues constitutes a separate offense under Sec. 1-6 of the ordinances).
- Commercial: includes properties used for institutional purposes with properties used for commercial purposes in other districts to which business district requirements apply.
- Adds a new category to which business district requirements and fines will apply: multi-family buildings containing 4 or more dwelling units, regardless of district.
- Makes the pilot program for residential districts permanent, and reduces the time for compliance from 30 hours to 24 hours. Adds \$25 fine for any offense. (Each day violation continues constitutes a separate offense under Sec. 1.6 of the Ordinances).
- Deletes current snow clearing assistance provisions for compilation by DPW of lists of persons available to provide snow clearing either for a fee or on a volunteer basis, but authorizes mayor or designee to coordinate volunteer or municipal snow clearing assistance for residential district requirements in cases of hardship.
- Authorizes mayor or designee to grant hardship exemptions due to health and financial duress.
- Authorizes Mayor or designee to delay period for compliance depending on severity of storm or other factors.

SNOW ORDINANCE  
DRAFT FOR DISCUSSION 9/29/2016 REDLINE COPY

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

~~Every owner or occupant of a building or lot of land abutting upon a sidewalk which is within a business district, as defined by chapter 30, and every owner or occupant of a building situated in other than a business district as defined by such chapter and which is used for a purpose permitted in districts zoned for business but not permitted in districts zoned for single, private or general residences, whether or not such use is a noneconforming use under the provisions of such chapter, which building abuts upon a sidewalk, or stands upon a lot of land abutting upon a sidewalk, shall cause any snow to be removed from the sidewalk and any ice on the sidewalk to be removed, sanded or salted within twenty four (24) hours after such snow has ceased to fall or such ice has come to be formed. The preceding provision shall apply to snow and ice which falls from buildings, other structures, trees or bushes as well as to that which falls from clouds.~~

~~(a) Business, mixed use, and manufacturing districts. In all business, mixed use and manufacturing districts as defined by chapter 30, and for properties used for commercial or institutional purposes in other districts, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of such sidewalk within the first twelve (12) hours after such snow or ice has come upon the sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

**Comment [m1]:** This leaves out public use and open space districts – any reason to include them?

~~(b) Multi-family dwellings. The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(c) Residential districts. In residential districts, as defined by chapter 30, except as set forth in (a) and (b) above, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including all handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along such sidewalk within the first twenty-four (24) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(d) Hardship. The mayor or his designee is authorized to and may coordinate volunteer or municipal snow clearing assistance and/or to grant an exemption from the provisions of (c) above, renewable annually, for homeowners who upon written petition demonstrate hardship due to health and financial duress.~~

~~(e) Compliance delay. Depending on the severity of a storm or other factors, the Mayor or his designee, in consultation with the Commissioner of Public Works, may delay the period for compliance with this section. Notice of a compliance delay shall be posted on the City's website and other good faith efforts to notify the public shall be made, such as social media outlets, cable access television, e-mail list serves, or emergency telephone notification systems.~~

(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)  
State law references—Removal of snow from sidewalks, G.L. c. 85, § 5; G.L. c. 40, § 21(2), (3), (4)

**Sec. 26-98A. Municipal City snow clearing—Clearing of sidewalks used as school routes.**

SNOW ORDINANCEDRAFT FOR DISCUSSION 9/29/2016 REDLINE COPY

The commissioner of public works shall clear snow from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The commissioner, after consultation with the superintendent of schools, chief of police and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the commissioner shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The commissioner shall send a copy of said list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

**~~Sec. 26-8B. Same—Snow clearing assistance.~~**

~~—The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)~~

**~~Sec. 26-8C10. Municipal snow removal operations – clearance Same—Snow clearance standards.~~**

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

**~~Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.~~**

~~—In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty six (36) inches in width, provided that where such sidewalk is less than thirty six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2015 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Ord. No. Z-83, 3-21-11, Ord. No. A-8, 01-22-13; Ord. No. A-49, 12-01-14)~~

SNOW ORDINANCE  
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**Sec. 26-119. Putting snow and ice upon streets, sidewalks and bridges.**

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

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**ARTICLE III.**  
**CIVIL FINES/NON-CRIMINAL DISPOSITION**

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

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

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

Sec. 26-8 (a). Removal of snow and ice from sidewalks, ~~business, mixed use, manufacturing in certain~~ districts.

( ) <del>First Any offense in calendar year</del> .....	\$100.00
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Sec. 26-8 (b). Removal of snow and ice from sidewalks, multi-family (4 or more dwelling units).

(-) <del>Second offense in calendar year</del> .....	\$200.00
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(-) <del>Third and subsequent offenses in calendar year</del> .....	\$300.00
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( ) <del>Any offense</del> .....	\$100.00
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Sec. 26-8 (c). Removal of snow and ice from sidewalks, residential (1-3 family dwellings).

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SNOW ORDINANCE  
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~~( )~~ Any offense ..... \$25.00

Sec. 26-~~9~~11. Putting snow and ice upon streets, sidewalks and bridges

~~(a)~~ (a) Placing snow or ice on a public way (street, sidewalk or bridge)

( ) First offense in calendar year ..... \$100.00

( ) Second offense in calendar year ..... \$200.00

( ) Third offense and subsequent offenses in calendar year ..... \$300.00

~~(b)~~ (b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

( ) First offense in calendar year ..... \$100.00

( ) Second offense in calendar year ..... \$200.00

( ) Third offense and subsequent offenses in calendar year ..... \$300.00

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**Sec. 26-8. Removal of snow and ice from sidewalks.**

(a) *Business, mixed use, and manufacturing districts.* In all business, mixed use and manufacturing districts as defined by chapter 30, and for properties used for commercial or institutional purposes in other districts, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of such sidewalk within the first twelve (12) hours after such snow or ice has come upon the sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(b) *Multi-family dwellings.* The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(c) *Residential districts.* In residential districts, as defined by chapter 30, except as set forth in (a) and (b) above, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including all handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along such sidewalk within the first twenty-four (24) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

(d) *Hardship.* The mayor or his designee is authorized to and may coordinate volunteer or municipal snow clearing assistance and/or to grant an exemption from the provisions of (c) above, renewable annually, for homeowners who upon written petition demonstrate hardship due to health and financial duress.

(e) *Compliance delay.* Depending on the severity of a storm or other factors, the Mayor or his designee, in consultation with the Commissioner of Public Works, may delay the period for compliance with this section. Notice of a compliance delay shall be posted on the City's website and other good faith efforts to notify the public shall be made, such as social media outlets, cable access television, e-mail list serves, or emergency telephone notification systems.

(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)

**State law references**—Removal of snow from sidewalks, G.L. c. 85, § 5; G.L. c. 40, § 21(2), (3), (4)

**Sec. 26-9. Municipal snow clearing—Clearing of sidewalks used as school routes.**

The commissioner of public works shall clear snow from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The commissioner, after consultation with the superintendent of schools, chief of police and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the commissioner shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The commissioner shall send a copy of said

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list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

**Sec. 26-10. Municipal snow removal operations – clearance standards.**

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

**Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges.**

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner’s property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, “clearing snow” shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

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**ARTICLE III.  
CIVIL FINES/NON-CRIMINAL DISPOSITION**

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

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

	<u>PENALTY</u>
( ) Warning .....	\$0.00
Sec. 26-8 (a). Removal of snow and ice from sidewalks, business, mixed use, manufacturing districts.	
( ) Any offense.....	\$100.00
Sec. 26-8 (b). Removal of snow and ice from sidewalks, multi-family (4 or more dwelling units).	
( ) Any offense .....	\$100.00
Sec. 26-8 (c). Removal of snow and ice from sidewalks, residential (1-3 family dwellings).	



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( ) Any offense ..... \$25.00

Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges

(a) Placing snow or ice on a public way (street, sidewalk or bridge)

( ) First offense in calendar year ..... \$100.00

( ) Second offense in calendar year ..... \$200.00

( ) Third offense and subsequent offenses in calendar year ..... \$300.00

(b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

( ) First offense in calendar year ..... \$100.00

( ) Second offense in calendar year ..... \$200.00

( ) Third offense and subsequent offenses in calendar year ..... \$300.00

## Residential Sidewalk Snow Ordinances in the Boston Region

Municipality	Time allotted to clear	Fine*
Arlington	8 hours	\$25-50/day
Belmont	By 8pm	\$0/50/100 to \$350 max
Boston	3 hours	\$50-100
Brookline	30 hours	\$25
Cambridge	12 hours snow/6 hours ice	\$50
Chelsea	24 hours	\$0/50/150/300
Everett	12 hours	\$0/0/25/50
Lynn	10 hours	\$50
Malden	24 hours	Cost of removal of violation and a fine up to \$200
Medford	6 hours	\$25/50
Salem	6 hours	\$25/75/100
Somerville	By 10 am or 10 pm	\$50/100/200
Winthrop	6 hours	\$25/50/100
<b>Newton</b>	<b>30 hours</b>	<b>none</b>

- Slashes mean per instance—so \$0/25/50 means—warning first instance, \$25 second instance \$50 third and subsequent instance.

Source:

<http://massgis.maps.arcgis.com/apps/MapSeries/index.html?appid=3c4b4d684b6a4d35894efe8d04a145a7>



SETTI D. WARREN  
MAYOR

**City of Newton, Massachusetts**  
**Office of the Mayor**

**#357-16**

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(617) 796-1089

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RECEIVED  
CITY OF NEWTON  
OCT 11 AM 11:29  
JAMES A. OLSON, CHIEF  
NEWTON, MA 02459

October 11, 2016

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to re-allocate the sum of \$250,467.24 from Acct # 36A401A-586011 (Waban Hill Reservoir Improvements) to be used for the Decommissioning of the Stanton Avenue and Winchester Street Elevated Storage Tanks. Per the attached from Commissioner McGonagle, the remaining costs will be funded from Acct # 28A401Z5-R586011.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor



January 4, 2016

Mr. Ted Jerdee, Utilities Superintendent  
City of Newton, Department of Public Works  
1000 Commonwealth Avenue  
Newton, MA 02459

Subject: Revised Project Budget Estimate  
Elevated Tank Demolitions  
T&H No. 4071

Dear Ted:

Tata & Howard is pleased to provide a revised project budget estimate for demolition of the Stanton Avenue and Countryside Road Elevated Water Tanks.

Based upon information provided by the City, each tank contains lead-based paint on the exterior of the tank. This will require lead paint abatement of the exterior coating prior to demolition on the areas of the tanks where torch cutting will take place. At this time, it is unknown if the interior coating of each tank contains lead-based paint. We recommend that the City test the interior coating of each tank for lead content. Determining whether or not the interior coating at each tank contains lead will have a significant impact on the overall project cost. Since this is unknown at this time, we have provided project budgetary estimates for both scenarios (interior coating containing lead-based paint and not containing lead-based paint).

The total estimated probable construction cost for demolition of both tanks, including removal and proper disposal of all scrap materials, lead paint abatement of the tank exterior and interior torch cutting locations, foundation removal, cutting and capping of the existing water main, site restoration, engineering, and contingency is \$520,000.

If it is determined that the interior coating of the tanks does not contain lead-based paint, the total estimated project cost for demolition of both tanks, including removal and proper disposal of all scrap materials, lead paint abatement of the tank exterior torch cutting locations only, foundation removal, cutting and capping of the existing water main, site restoration, engineering, and contingency is \$420,000.

Mr. Ted Jerdee, Utilities Superintendent  
City of Newton

January 4, 2016  
Page 2 of 2

In addition, should the City decide to remediate each tank site to remove lead-contaminated soils, the estimated cost to excavate the top six inches of soil, haul off site, properly dispose of the contaminated material, restore the site and contingency is \$90,000 per tank site.

We appreciate the opportunity to assist the City of Newton with this important project. Please feel free to contact us should you have any questions.

Sincerely,

TATA & HOWARD, INC.



Karen L. Gracey, P.E.  
Vice President