

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 18, 2015

7 PM

Room 204 (Formerly Room 209)

Chairman's Note: Time permitting the Chairman will hold a discussion about improvements to snow operations.

ITEMS SCHEDULED FOR DISCUSSION:

Public hearing assigned for February 18, 2015:

#32-15 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for schematic design and site plan approval for the proposed new Fire Station #3 (currently located at 25 Willow Street) and renovation of Fire Headquarters (1164 Centre Street). [01/26/15 @ 1:17 PM]

#286-13(3) HIS HONOR THE MAYOR requesting authorization to implement roadway improvements at the intersection of Collins Road and Beacon Street that result in improved overall function and safety at the intersection. [01/13/15 @ 2:44 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#455-14 HIS HONOR THE MAYOR recommending amendment to Chapter 29, Section 80 **Sewer/Storwater use charge.** of the City of Newton Ordinances to create a storm water rate fee structure based upon square footage of impervious surface area.

ITEMS NOT SCHEDULED FOR DISCUSSION:

Appointed by the President of the Board

#37-15 GILLIAN BROWN ISABELLE, 345 Upland Avenue, Newton Highlands appointed as a member of the CITIZENS COMMISSION ON ENERGY for a term of office to expire on March 1, 2018. [01-29-15 @ 10:24 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#470-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars (\$1,000,000) from bonded indebtedness for the purpose of funding the installation of an elevator and other accessibility improvements at the War Memorial at City Hall. [11/24/14 @ 3:43 PM]

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 John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #471-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thousand dollars (\$400,000) from Free Cash to fund the design, construction, and relocation of modular buildings from Zervas Elementary School to Newton South High School for special education program needs. [11/24/14 @ 3:43 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]
- #358-14 FINANCE COMMITTEE requesting that the Public Facilities Committee receive updates on the clean-up of the Rumford Avenue Landfill every three months. [09/11/14 @ 12:01 PM]
- #328-14 ALD. ALBRIGHT, DANBERG, & LAREDO requesting a review of double poles in Newton including a random sampling of ten double 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 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Zervas Elementary School Project. [04/17/14 @ 10:48 PM]
- #188-14 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 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]
- #62-14 ALD. CROSSLEY, HESS-MAHAN, ALBRIGHT AND SALVUCCI requesting a report from the administration on the status of the City strategy to meet its obligations as a Department of Energy Resources Green Community, to reduce municipal energy consumption by 20% over five years, particularly regarding advancing the implementation of the building energy audits program recommending energy efficiency measures in existing buildings, and how that strategy is incorporated into the capital improvement plan. [02/24/14 @ 6:35 PM]

- #14-14 ALD. ALBRIGHT, JOHNSON & NORTON requesting a discussion of the snow removal operations during the last storm including information on the use of brine and how it worked, the effectiveness of the new snow melter, snow dumping, and what can be done to make city sidewalks safe in the event of an ice storm.
12/20/13 @ 4:21 PM]
- #417-13 PUBLIC FACILITIES COMMITTEE requesting that the Administration provide updates on the progress of the Angier Elementary School project. [11/21/13 @ 9:16 AM]
- #153-13 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the progress of the citywide storm water system assessment needed to define the scope of repairs to the system, as well as methods of financing the assessment and an accounting of the storm water enterprise fund. [04/02/13 @ 11:02 AM]
- #131-13 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. [03/23/13 @ 11:13 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #310-10(2) ALD. DANBERG, BLAZAR, KALIS, SCHWARTZ, ALBRIGHT, HESS-
(#409-12) MAHAN, RICE, COTE, LEARY, AND NORTON requesting amendments to Sec. 26-8D of the City of Newton Ordinances to modify and make permanent the

trial program for removal of snow and ice from sidewalks and to provide for enforcements and fines for violations. [09/10/14 @ 2:12 PM]

#246-12 RECODIFICATION COMMITTEE recommending Sec. 25-1, which requires a permit to create a trench, be reviewed to determine if a new section relative to excavation should be established to regulate unsafe excavation beyond the regulation of trenches, as the City Engineer has advised that all trenches are excavations, but not all excavations are trenches, which amendment would replace **Sec. 20-53. Excavations; protection; erection of barriers.**, which was deleted as part of recodification because it conflicted with Sec. 25-1.

#245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

#413-11 **REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**
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]

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 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]

#367-09 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]

#253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:
(a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;

- (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
- (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;
- (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
- (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance.
- (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction. [08/07/07 @ 3:12 PM]

Respectfully submitted,

Deborah Crossley, Chairman



Design Review Committee
PUBLIC BUILDINGS DEPARTMENT
Arthur Cohen, Chairman
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 Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

20 January 2015

RE: Fire Station #3 and Fire Headquarters Project

SUBJECT: 100% Schematic Design and Site Plan Review

Honorable Board:

On Wednesday, 14 January 2015 the Design Review Committee met and reviewed the 100% Schematic Design and proposed site plans dated 7 January 2015 as presented by Schwartz/Silver Architects on behalf of the Public Buildings Department and Newton Fire Department for the above referenced project.

The City of Newton is proposing the design of a new 24,000ft² Fire Station, Emergency Operations Center, Server Room, and Dispatch Center. This project will include the renovation of the existing Fire Headquarters building, which will be connected but seismically separated, from the new Fire Station.

The Design Review Committee determined that the schematic design and site plans are appropriate. The Committee believes that the proposed circulation and placement of building and associated site functions are a good solution to the physically constrained and tight site. 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 Board of Aldermen on behalf of the Fire Department for Site Plan Approval. The DRC identified the following areas of design which should continue to be evaluated through the Design Development Phase.

- The design team should continue to take an integrated design approach to the building's design through its mechanical systems, envelop, floor to floor heights, ceiling heights and the height and extent of glass and glazing, methods of sun control, day lighting, electrical lighting and sound control all to promote efficient performance of the building and reduce its overall energy consumption, consistent with both its purpose and context. This process should include life cycle cost analysis in the vetting of building systems.
- The design team should continue to strive to meet, or exceed, our sustainability goals. This should include further study and evaluation of geothermal, on site PV, and other methods of driving down our energy use intensity, as Newton strives to reduce its' carbon footprint and pushes towards net zero buildings.
- The DRC also recommends that "street views" of the proposed building be provided to allow aldermen and residents to better understand what the finished product will look like.
- All façades of the proposed building should be refined to address concerns over massing and buffering of the building from the abutting properties.
- An image board of existing materials of the surrounding structures should be developed to facilitate the use of exterior building components that will result in a contextually appropriate solution.
- The traffic study and recommendations should be completed and presented to the DRC to ensure that the plans work well with the site distribution and pedestrian safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Cohen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Arthur Cohen, FAIA, LEED AP
Chair Design Review Committee

CC: Joshua R. Morse, Commissioner of Public Buildings
Dori Zaleznik, Chief Administrative Officer
Maureen Lemieux, Chief of Staff/CFO
Bruce Proia, Fire Chief



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Setti D. Warren
Mayor

DATE: January 30, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandria Ananth, Chief Planner for Current Planning
Katy Hax Holmes, Senior Planner

SUBJECT: §5-58 of the City of Newton Ordinances, request for site plan approval for site and building improvements at Newton Fire Station #3 and Headquarters

CC: Mayor Setti Warren
Design Review Committee
Public Buildings Department
Ward 6 Aldermen

EXECUTIVE SUMMARY

The proposed action under review in this 5-58 report is to demolish the existing Fire Station #3 located on a triangle of land created by the intersection of Centre, Willow and Lyman Streets, and construct a new station on the same site. The existing fire station building at 25 Willow Street was erected in 1954, and stands on the same site as the historic Fire Headquarters Building (HQ), 1164 Centre Street, constructed in 1928. Both buildings are over 50 years old, and therefore came under Demolition Review by the Newton Historical Commission (NHC). Based on the recommendation by Building Conservation Associates in April 2012 and from Planning Department staff, the NHC found both buildings to be historically significant and were preferably preserved at the May 2014 hearing. The current proposal by Public Buildings is to erect a new fire station building and connect it by a two-story wing to the historic HQ building, thereby creating additional space for an Emergency Operations Center (EOC), more sleeping quarters for fire personnel, an additional fire bay for a total of five bays, and a code-compliant site as required for a fully operational fire/EOC station with modern energy-efficient building systems.

Of eight possible scenarios that were considered by the Fire Station #3/HQ working group for the configuration of this Fire Station site, Option #7 was chosen as the most cost-effective and pragmatic response to existing on-site constraints. These include: preserving the historically significant HQ building; the MWRA aqueduct along the south border of the site, which cannot accommodate permanent development; and the Verizon underground vault, located on the Centre Street side of the parcel, which serves the telecommunication needs of a large portion of Newton. Round-the-clock access to this vault was reported by Verizon to be imperative, and the option to move the vault was not deemed to be financially viable.

Three memorials to lost Newton firefighters and citizens also stand on the Centre Street side of the lot. Two memorials installed at the southwest corner of the HQ building will be relocated to the front of the HQ building; and the bell monument will be moved closer to Centre Street. The monument to those lost during the 9/11 attacks will not be moved as part of this undertaking.

Total parking for the fire station and Headquarters building is projected to be large enough to accommodate a single shift of firefighters (three per shift, with four during the winter months), HQ staff, visitors, and two handicap vehicles. Current plans are for 38 lined spaces on the Willow Street side of the property, including one handicap-accessible space in front of the HQ building and one in the employee lot. This represents a net increase of parking by 12 spaces.

Proposed improvements in the new building include moving all living quarters, such as bunk rooms, bathrooms, shower rooms, a fitness room and kitchen, to the second floor over the truck bays. A new walkway, visitor door, improved pedestrian accommodations and handicap access would be ensured at all entry points on the first stories of both the fire station and HQ. Improvement of the current parking area behind the building to the south side of the lot will accommodate 20 cars on site for the current and overlapping shifts, and visitor and staff parking for 18 cars will be allocated to an expanded parking area at the north end of the site. No parking spaces will be allotted along the proposed entrance road from Centre Street.

Amenities will include construction of a retaining wall along the MWRA easement to create a wider access road for fire trucks to exit the site via Centre Street, which will reportedly improve response times; replacement and/or repair of existing fencing where needed; precautions taken to protect the monuments and memorials from construction-related damage on the Centre Street lawn; new on-site lighting and signage; improved parking facilities and lining for spaces; picnic tables, and training facilities. Trash enclosures will be provided and an emergency generator and outdoor lighting will be installed. The Design Review Committee met and approved the Schematic Design and proposed site plans prepared by Schwartz/Silver Architects on January 14, 2015 (Attachment A). Negotiations with the MWRA regarding the aqueduct easement are ongoing but there is an agreement in principle with the City of Newton.



Fire Station Headquarters Building, 1164 Centre Street



Fire Station #3, 25 Willow Street

I. BACKGROUND/SITE PLAN APPROVAL PROCESS

Prior to construction at any municipal building, Section 5-58 of the Newton City Code requires reviews of associated plans by the following:

- The Director of Planning and Development for consistency and compatibility with the *Newton Comprehensive Plan* and other applicable planning and analytical studies;
- The Design Review Committee for layout, construction, and relationship to surroundings;
- The Public Facilities Committee to provide a forum for public comments and discussion about proposed buildings and their locations, followed by Board of Aldermen action.

Once the site plans are formally approved by these bodies, they become part of the final set of project plans and construction drawings and cannot be substantially altered without being resubmitted to the Design Review Committee and to the Board of Aldermen. After the requirements of §5-58(a)(1) through (a)(6) have been satisfied, the Board of Aldermen can appropriate funds for preparation of detailed construction drawings. Work on the fire station is slated to be completed in 15-18 months, after a bidding process projected to last 8-10 months. All work, including the interior utility work will be addressed in one phase. Plans submitted by the Public Buildings Department were prepared by SchwartzSilver Architects, dated January 7, 2015. Plans were reviewed at two Development Review Team (DRT) meetings held by the Planning Department, with the most recent plans presented at the DRT held on January 7th, 2015.

II. PROPOSED FIRE STATION IMPROVEMENTS

The new fire station is proposed for the same location as the old, with 7300 square feet proposed for the new fire apparatus building. An outdoor training area is also planned for the northeast

corner of the new fire building. On the plans, this expansion appears to be located within the required setbacks. The HQ building will remain in place and serve administrative and public needs.

Site work will be completed on the entire lot. Existing parking near the intersection of Lyman and Willow Streets at the rear of the lot is proposed for realignment along the south border and, unlike the current parking area, will be striped for 20 spaces. There is no parking proposed on the Centre Street side of the lot. Vehicular access to the visitor lot on Willow Street will remain the same, with circulation for large fire apparatus to remain further south on Willow Street. A new egress driveway and retaining wall on the site leading from the truck bays to Centre Street will be installed that will parallel the MWRA aqueduct and easement.

III. TECHNICAL REVIEW OF SITE PLANS UNDER SECTION 5-58

1. Location and Existing Site Conditions

Newton Fire Station #3 is located at 25 Willow Street in a busy commercial and residential neighborhood in Newton Center. The site is bordered on three sides by MR1, BU1, BU2, SR2, and Public Use zoning, and by the Dellaria Salon to the north. The parcel consists of approximately 60,850 square feet of land improved with the fire station, HQ, memorials including the 9/11 Memorial, a flagpole, and associated parking. The southern border of the parcel is the aqueduct owned by the MWRA, and Lyman Street. The remainder of the parcel is vacant land. The northern perimeter of the lot is comprised of overgrown brush, trees and fencing to divide this lot from the salon parking lot and also from the aqueduct. Picnic tables are also positioned around the HQ and fire station buildings.

2. Proposed Improvements

A new fire station and ell connector to the HQ building are proposed for the site. Proposed changes on the inside of the new building will include second-story living space that will be separated from trucks and equipment. The HQ building will contain fire

administration and public access to services. Attached to HQ, four steps down from the first and second floor, will be a mezzanine level in an attached ell. This ell will contain EOC space, tech support, mechanical systems, and support services with elevator access. This ell will be attached to the new fire apparatus building and living quarters for fire personnel, with no elevator access.



One handicap parking stall will be provided in the Visitor's lot at the north of the site, and another will be provided in the employee lot. Consideration should also be given for bicycle racks or indoor bicycle storage somewhere on site.

Parking at the site will consist of 38 total spaces for automobiles. These spaces are proposed for the south and north sides of the lot in order to separate visitor and HQ staff parking from employee parking and the truck bays.

IV. OTHER REVIEWS

- **Senior Environmental Planner.** The entire fire station property is located outside of riverfront areas. After consulting the Senior Environmental Planner, it was determined that no review is required for the improvements proposed.
- **Associate City Engineer.** Please reference the memorandum regarding this Fire Station #3 project written by John Daghlian, Associate City Engineer (Attachment B). The proposed work will result in a net increase in the amount of impervious surface on the site. The Engineering Division must review the proposed plans to ensure that drainage infrastructure is constructed according to City standards. The Engineering Division will also review soil testing and evaluations prior to the issuance of a building permit.
- **City Transportation Engineer.** A traffic engineering study of the anticipated Centre Street egress from the new station will be undertaken to study its broader traffic effects on Newton Center, as well as potential improvements to the traffic light timing, crosswalk systems, and general circulation patterns in the immediate vicinity.
- **Fire Department.** Fire suppression systems will be installed throughout the newly-constructed building. The Public Buildings Department should continue to coordinate with the Assistant Fire Chief to meet all applicable safety codes.

V. CONSISTENCY WITH NEWTON COMPREHENSIVE PLAN AND OTHER PLANS/STUDIES

The *Newton Comprehensive Plan* notes that Newton residents have made community cohesiveness and safety a strong priority. A new, state-of-the-art fire station in the Newton Center neighborhood is consistent with this vision.

The Plan also acknowledges change over time is inevitable and spatial needs must respond to them. For the long term, the *Newton Comprehensive Plan* advocates for "creative consideration of future activity and facility configurations." When addressing such changes, the *Newton Comprehensive Plan* encourages creativity in making continued use of existing structures, where possible. In the pursuit of providing adequate services for the health and safety of Newton Center's citizens, restoring and retrofitting the current historic Fire Station #3 was considered, but was determined not to be a feasible solution. The HQ building, however, will be restored and

retrofitted for administrative uses. Preserving this historic building meets the preservation goals outlined in the comprehensive plan.

VI. SITE PLAN REVIEW CRITERIA

In accordance with Section, 5-58, the Design Review Committee has filed plans for Site Plan Approval. These are to be reviewed in accordance with the procedure outlined in Section 30-23 of the Revised Ordinances. The following is a review of the submitted plans with respect to the relevant criteria established in Section 30-23.

A. Convenience and safety of vehicular and pedestrian movement within the site and in relation to the adjacent streets, properties or improvements

Vehicular access to on-site parking will continue to be provided from Willow Street only. The Centre Street driveway will only be used by fire trucks and other emergency vehicles. Willow Street is a two-way, high-volume residential street that should see no net increase in vehicular traffic with the replacement fire station. New directional signage for the handicap and visitor parking (preferably sited near the entrance to the property), and signage at the Centre Street truck egress road is recommended. Potential effects of this project on Centre Street and the Village Center will also be comprehensively studied.

The overall parking count on the site will remain static as a result of this petition. There is currently a paved area south of the station with unlined parking, but the proposed 38 parking spaces appear to be adequate for the continued usage of the site by the on-duty crew, a crew shift change, and visitors.

There are currently no bike racks on site. The Fire Department should consider adding at least one. Accommodations should also be considered for protected bicycle storage.

B. Adequacy of the methods for regulating surface water drainage

Please reference the memorandum written by John Daghlian, Associate City Engineer (Attachment B). On-site monitoring and inspection by the Engineering Division is required and warranted at various phases before and during construction. A drainage analysis needs to be performed based on the City's 100-year storm event of 6.5 inches over a standard period of time. All **increased** run-off needs to be infiltrated and accommodated on site. Dry well details also need to specify stone size and location beneath dry wells.

C. Screening of parking areas and structures from adjoining premises. Location of parking between the street and existing or proposed structures shall be discouraged.

The parking configuration will undergo minor improvements, but will not be expanded substantially. Employee parking will be located on the south side of the building. With the exception of two handicap-accessible spaces, there will be no other locations on site that will provide vehicular access for visitors of all levels of mobility.

The proposal includes enhanced landscaping along the perimeter of the site. The parking areas will continue to be more visible from Willow Street, but landscaping and fencing on the site should be improved. Current conditions show plant overgrowth and a general lack of landscaping maintenance at the north of the lot. Neighbors on the east and north sides should be consulted regarding their choices for possible screening where warranted. Out of respect for the residential abutters, new lighting fixtures that are proposed for the perimeter of the fire station property should have shields to direct light onto the fire station property and not neighbors' property.

D. Avoidance of topographic changes; tree and soil removal shall be minimized.

With the exception of a new retaining wall along the MWRA easement, no significant topographic changes or tree and soil removal appear to be proposed. Large, mature tree removal should be avoided if possible, and added for screening as needed.

A stone retaining wall will be constructed along the MWRA easement to allow for an appropriate-width egress road for fire truck to quickly exit the station site. This wall is projected to stand five feet tall at its highest point and slope down on either end at Willow and Centre Streets. Another low stone wall is proposed along the north border of the site abutting the Salon property to visually delineate the two properties.

E. Consideration of site design including relationship to nearby structures

The fire station is located in a neighborhood of mixed uses including housing, business, and public land. The residential neighborhood located across Willow Street from the fire station is largely pre-War housing in an MR-1 zone, with 1939 construction dates predominating. Businesses located in a B-1 zone are located on Lyman Street to the south, and SR-2 and public use land on Centre Street border the site to the west. The scale and design of this current public structure is somewhat compatible with the residential structures in this neighborhood, and is more compatible with the brick commercial architecture to the south of the site. As the massing and angularity of the current building will be emulated in the new building, the design changes proposed will not result in substantial adverse visual effects on the neighborhood. Preservation and restoration of the HQ building will continue to enhance this highly visible site in Newton Center.

The Planning Department received conceptual elevations and material specifications, which are subject to change during the design process. Final specifications of materials, colors, and landscaping should be submitted to Planning Department for review prior to issuance of a building permit to ensure compatibility with earlier reviews.

VII. CONSTRUCTION MANAGEMENT

The contractor should submit a Construction Management Plan (CMP) to the Director of Planning and Development, the City Engineer, the City Traffic Engineer, and the Commissioner

of Inspectional Services for review and approval before any construction activities related to this project are commenced on the site.

This plan should identify the hours and expected duration of construction, location of proposed on-site contractor parking, and material storage and staging areas. This plan should also incorporate preferences and input from neighbors. If there are on-site activities during construction, the CMP should identify measures to be used to avoid conflicts between the station's functions and construction activities. The CMP should also include the telephone number for the contractor's primary contact person. Copies of the final approved CMP should be submitted to the Mayor and each of the Ward 6 Aldermen.

VIII. CONCLUSION AND RECOMMENDATIONS

The Director of Planning and Development has determined that the site plans for replacement of the Newton Fire Station #3 property and plans for restoration of the HQ building are consistent with the *Newton Comprehensive Plan* and other relevant plans/studies, including the site plan review criteria listed in Section 30-23. It appears that the Public Buildings Department and the Fire Department have given serious consideration to finding the best plan to accommodate and adapt new fire station services in Newton Center.

With that in mind, the Planning Department offers the following items for consideration:

- Studying the systemic changes to the traffic lighting system and crosswalks in Newton Center to accommodate truck egress and pedestrian safety on and around Center Street;
- New directional signage for the handicap and visitor parking (preferably sited near the entrance to the property), and signage at the new Center Street egress road for trucks;
- New lighting fixtures located at the perimeter of the property should have shields to focus light onto the fire station property and not neighbors' property;
- Traffic mitigation should be a high priority during the construction phase of this project;
- A neighborhood council should be organized to obtain input from neighbors, and provide a ready means by which to present possible mitigation for construction noise and parking issues;
- Trash storage should be no less than 25' from the building, and properly enclosed;
- There are currently no bike racks on site. The Fire Department should consider adding at least one. Accommodations should also be considered for protected bicycle storage.

If the Board, Mayor and Fire Department choose to approve these plans, prior to applying for Building Permits the Public Buildings Department should submit:

- 1) Revised plans showing any alterations to the site plan, parking or landscaping to the Planning, Engineering, and Fire Departments.
- 2) An on-site soil evaluation, drainage analysis, and CCTV inspection witnessed by the Engineering Division.
- 3) Answers to questions posed in the memo written by John Daghlian.
- 4) Final material samples to the Planning Department.

- 5) A construction management plan to the Planning Department and Engineering Division and Ward 6 Aldermen.

Attachment A: Design Review Team memo dated January 14, 2015.

Attachment B: Memorandum from John Daghlian, Associate City Engineer, dated January 29, 2015.

City of Newton



Design Review Committee
PUBLIC BUILDINGS DEPARTMENT
Arthur Cohen, Chairman
Joshua R. Morse, Commissioner
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20 January 2015

RE: Fire Station #3 and Fire Headquarters Project

SUBJECT: 100% Schematic Design and Site Plan Review

Honorable Board:

On Wednesday, 14 January 2015 the Design Review Committee met and reviewed the 100% Schematic Design and proposed site plans dated 7 January 2015 as presented by Schwartz/Silver Architects on behalf of the Public Buildings Department and Newton Fire Department for the above referenced project.

The City of Newton is proposing the design of a new 24,000ft² Fire Station, Emergency Operations Center, Server Room, and Dispatch Center. This project will include the renovation of the existing Fire Headquarters building, which will be connected but seismically separated, from the new Fire Station.

The Design Review Committee determined that the schematic design and site plans are appropriate. The Committee believes that the proposed circulation and placement of building and associated site functions are a good solution to the physically constrained and tight site. 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 Board of Aldermen on behalf of the Fire Department for Site Plan Approval. The DRC identified the following areas of design which should continue to be evaluated through the Design Development Phase.

- The design team should continue to take an integrated design approach to the building's design through its mechanical systems, envelop, floor to floor heights, ceiling heights and the height and extent of glass and glazing, methods of sun control, day lighting, electrical lighting and sound control all to promote efficient performance of the building and reduce its overall energy consumption, consistent with both its purpose and context. This process should include life cycle cost analysis in the vetting of building systems.
- The design team should continue to strive to meet, or exceed, our sustainability goals. This should include further study and evaluation of geothermal, on site PV, and other methods of driving down our energy use intensity, as Newton strives to reduce its' carbon footprint and pushes towards net zero buildings.
- The DRC also recommends that "street views" of the proposed building be provided to allow aldermen and residents to better understand what the finished product will look like.
- All façades of the proposed building should be refined to address concerns over massing and buffering of the building from the abutting properties.
- An image board of existing materials of the surrounding structures should be developed to facilitate the use of exterior building components that will result in a contextually appropriate solution.
- The traffic study and recommendations should be completed and presented to the DRC to ensure that the plans work well with the site distribution and pedestrian safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Cohen". The signature is fluid and cursive, with the first name "Arthur" being more prominent than the last name "Cohen".

Arthur Cohen, FAIA, LEED AP
Chair Design Review Committee

CC: Joshua R. Morse, Commissioner of Public Buildings
Dori Zaleznik, Chief Administrative Officer
Maureen Lemieux, Chief of Staff/CFO
Bruce Proia, Fire Chief

**CITY OF NEWTON
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

MEMORANDUM

To: James Freas, Acting Director of Planning

From: John Daghlian, Associate City Engineer

Re: Administrative Site Plan Review – Fire Station #3 & Headquarters

Date: January 29, 2015

CC: Lou Taverna, P.E., City Engineer
Linda Finucane, Associate City Clerk
Alexandra Ananth, Chief Planner
Katy Hax Holmes, Planner

In reference to the above site, I have the following comments for a plan entitled:

*Newton Fire Station #3 & Headquarters Building
1164 Center Street
Newton, MA
Prepared By: Nitsch Engineering
Dated: January 7, 2015
&
Schematic Civil Design Dated: January 26, 2015*

Executive Summary:

The project entails the complete demolition and new construction of Station #3 with an addition to the existing Fire Department Headquarters, and expanded on-site parking lots. The reconfigured footprint of the station will require constructing an access driveway and retaining wall on Massachusetts Water Resources Authority [MWRA] property parallel to the Sudbury Aqueduct, this will require a license agreement between the City & the MWRA as well as an 8M Permit.

Details of the proposed retaining wall construction; alignment and materials are needed for evaluation. The alignment of the retaining wall may need adjustment based on the turning template plan on sheet C2.02 which shows a conflict with the wall and emergency apparatus.

Soil investigation is needed in concert with the removal of the existing fuel pump(s) and underground fuel storage tank, based on the age of the system the Fire Department should anticipate costs associated with potential soil clean up and remediation.

The schematic civil design makes some assumptions in regards to drainage; actual on site soil testing will be required to verify design assumptions and to investigate the possibility of on-site infiltration, which is required by the Department of Environmental Protection and the DPW. There appears to be an error in the design of the trench drain that is located along the station bays accessed off Willow Street; based upon the revised grading plan (January 5, 2015) the elevation for the trench drain along the bay entrances is at 139.85' and the grade at the driveway apron is at elevation 139.14' so the grading is pitched the wrong way.

Also rim grades have not been indicated for the catch basins within the proposed parking lot and the abutting property along the north.

It was not clear from the plans submitted if the new edifice will have a backup generator; if it is a natural gas fired unit the service line needs to be indicated so that there is no conflict with other utilities. As required the generator shall comply with City Noise Ordinances.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.
3. A temporary construction safety fence will be needed for the duration of the project.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6.6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
2. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
4. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Fire Department.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this

work inspected may result in the delay of issuance of the Utility Connection Permit.

3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
4. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
5. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.

3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans.*
3. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

January 6, 2015

RECEIVED
NEWTON CITY CLERK
2015 JAN 13 PH 2:44
David A. Olson, Clerk
Newton, MA 02459

To: Honorable Mayor Setti D. Warren

Via: Maureen Lemieux, Chief of Staff

From: David F. Turocy, Commissioner of Public Works

Subject: Request to implement specific roadway improvements at the intersection of Collins Road and Beacon Street related to the Angier School Reconstruction Project

As part of the Angier School Reconstruction Project, the Department Public Works is proposing specific geometric and traffic signal upgrades at the intersection of Collins Road with Beacon Street in order to facilitate vehicle and pedestrian circulation.

The existing geometry of this intersection is unconventional and does not facilitate good or safe vehicle/pedestrian circulation. The existing signal equipment is showing its age, the controller cabinet has been damaged by snowplow operations and continually goes into "flash" mode and does not meet current Manual on Uniform Traffic Control Devices (MUTCD) standards. The existing geometry allows vehicles to enter/exit the easterly side (under stop control) and essentially bypass the signals; encourages high speed maneuvers; creates several vehicle/pedestrian conflict points, increasing the risk of crashes; confuses drivers resulting in excessive and unnecessary vehicle queuing and delay. In addition, the approaching site distance from the east and west is poor, the location of existing signal equipment is not optimal and does not properly accommodate the large volume of pedestrian activity during school morning drop-off and afternoon pickup during the week or on Sunday during worship hours.

Geometric improvements will include reconfiguring Collins Road to control access to/from Beacon Street, upgrade existing utilities, implement better defined and wider sidewalks, upgrade existing utilities including storm drainage and water supply, a more consistent roadway typical section to better accommodate vehicles and bicycles and provide better defined on-street parking. These improvements will result in improved driver expectation, overall function and safety.

Traffic signal improvements will include upgrade of existing equipment to include mast arms, high max super controller, camera detection, pedestrian lead phase configuration, audible pushbutton activated controls and countdown pedestrian signal heads. In addition, pavement markings will be upgraded to include epoxy paint which will be more durable and resistant to fading. In addition, street lighting will be improved thru the implementation of decorative low emitting diode (LED) lights spaced 75' to 100' in order to provide adequate visibility for both pedestrians and motorists.

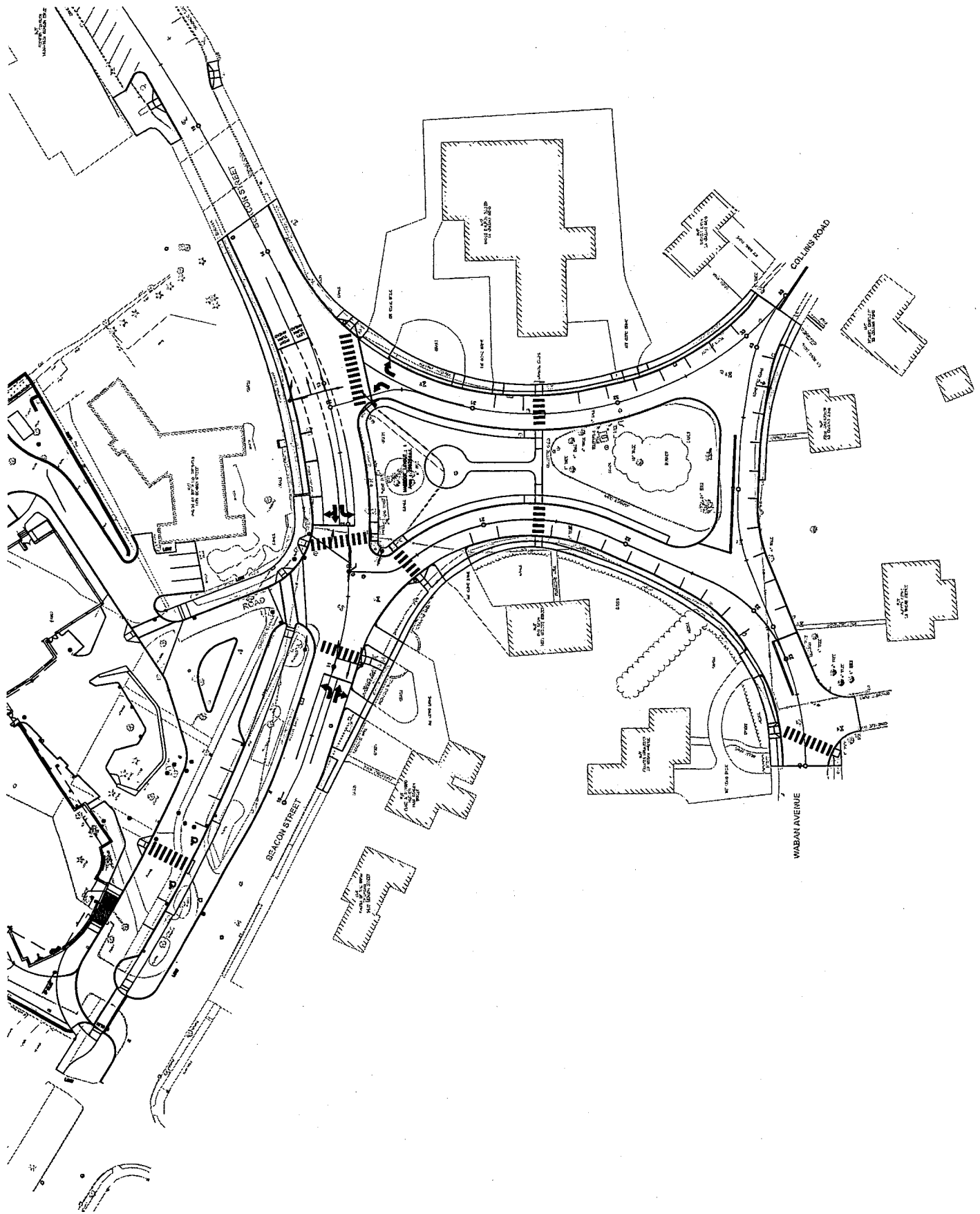
Please docket this matter with the City Clerk for Board of Aldermen consideration.

Respectfully,

David F. Turocy
DPW Commissioner

APPROVED

CC: William Paille, Transportation Director
Lou Taverna, City Engineer



Traffic Angier School Off-Site Improvements – Response to Comments from Public Facilities

- 1) *Look at the four parking spaces in front of the church on Beacon Street.*

Response: The four parking spaces proposed along Beacon Street meet current MUTCD guidelines, provide for safe access, are appropriate and are indicative of what is currently out there.

- 2) *What is the parking plan for Angier staff parking that cannot be accommodated on site*

Response: Based on conversations with the Angier School staff as well as the Angier Working Group, school staff is expected to increase to approximately 90. The proposed site will accommodate a total of 66 spaces, including 5 short-term and 4 handicapped which will provide 57 spaces for 90 staff, requiring 33 off-site parking spaces to accommodate school staff. One of the recommendations is to allow seven (7) of the off-site parking spaces along Waban Avenue for staff parking, requiring 26 spaces to be located along the west side of Beacon Street, likely east of Irvington Street and west of Manitoba Road. In order to discourage commuters from parking in any of the spaces along Beacon Street or within the triangle of Collins/Waban, there will be restrictions implemented with an option of allowing school staff to override any restriction with a pass. The plan is still being developed and will have to be approved by the Traffic Council and will be implemented prior to the school opening later this year.

- 3) *Review blue zone operation and management.*

Response: There will be no blue zone located along Beacon Street but inside the site. A majority of the drop-off and pick-up activity will occur within the site as parents will be allowed to enter the signalized access driveway along Beacon Street either from the west or east. Parents will also be allowed to park along the proposed curbed island located between Beacon Street and Waban Ave (i.e. Collins Street) and escort students across Beacon Street using the fully-actuated traffic signal.

- 4) *What were the pick-up and drop-off patterns for the school including parents or caretakers that park off-site and walk a child into the school?*

Response: When the school was active, parents utilized the 4-5 parallel parking spaces along the north side of Beacon Street to the east of the access drive to the school. In addition, a majority of the parents would park along either side of Waban Ave and Collins Street and escort their children across Beacon Street to the school either using the traffic signals or a crossing guard assigned every morning and afternoon at this location.

- 5) *How does the left hand turn from Beacon Street into the blue zone work?*

Response: The intersection of Beacon Street with Waban Ave/Collins Road as well as the intersection with Manitoba Road will be signalized (and coordinated). As vehicles approach from the west, they will queue up in the left-turn lane and allowed a separate signal phase with sufficient time to enter the school access drive. As parents drop off or pick up they will exit the site via the westerly driveway that will be signalized to allow drivers to either turn west or east onto Beacon Street.

- 6) *Provide a memo from the Law Department and/or Planning clarifying why there are restrictions on what can be done to the lower island in terms of adding sidewalks and curbing.*

Response: There is no documentation identifying any restrictions on either island located at the intersection of Collins Road and Waban Avenue. Attached is a memo from the Law Department explaining the historic significance of the lower island and associated restrictions.

- 7) *Coordinate with Angier Working Group, Riverside Day Care, representatives from DiNisco Design Partnership, the abutters, and the Angier School Principal on the proposed design to look at whether the plan creates a balance by addressing pedestrian safety and traffic flow. There was concern that the proposed narrowing of Waban Avenue would create traffic backups on Beacon Street when drivers were parking on Waban Avenue.*

Response: The DPW met with the Angier Working Group on January 29, 2015 to review the latest design and discuss all concerns related to safety, access, circulation, traffic volume, ADA compliance, parking, etc. In addition, the City met with representatives from the Union Church, The Good Shepherd Church and residential abutters on February 2, 2015 to present the latest design and discuss any issues or concerns.

- 8) *Is it possible to do a trial of the proposed parking and narrower one-way streets on Collins Road and Waban Avenue and hold off the traffic improvements until next year to determine if these improvements work?*

Response: No. Although initially a trial was considered, after further review it soon became apparent the only way to successfully demonstrate the proposed configuration would be to install another set of traffic signals in order to facilitate the left-turns from Waban Avenue onto Beacon Street which isn't practical with respect to cost to the project and the schedule.

One of the primary goals of the project is to provide the infrastructure to provide safe access into the site for both pedestrians and vehicles. In order to accomplish this it means implementing the geometric and signal improvements to coincide with the opening of the school which is expected to occur later this year.

- 9) *Should the parking on Waban Ave be located on the right or left side of the street?*

Response: Upon further review and consideration, the parking along the one-way entrance of Waban Avenue has been relocated to the westerly side of the street. The parking along the one-way exit of Waban Avenue will remain along the easterly side of the street.

- 10) *Where are the school crossing guards located?*

Response: Although the need for and final location of the school crossing guard will be determined by the Police Department (i.e. Traffic Bureau), it is likely to be at the westerly intersection of Beacon Street with Collins Rd/Waban Ave as it is anticipated the majority of pedestrian traffic will likely occur at this location.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#455-14

Telephone
(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

November 14, 2014

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

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to approve the attached amendments to Ordinance Sec. 29-80 entitled "Sewer/Stormwater Use Charge".

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2014 NOV 14 PM 12: 58
David A. Olson, Clerk
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

of the wastes. Such manhole or other structure shall be accessibly and safely located. Construction shall not begin on such manhole or other structure until the plans for the same are approved by the commissioner, who shall grant such approval if the plans appear adequate, under accepted engineering practices, to accomplish the purposes and requirements of this section. The manhole or other structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. No. R-153, 6-17-81)

Sec. 29-78. Information to be given to commissioner upon request.

The commissioner may require any person discharging industrial wastes to provide information needed to determine compliance with this ordinance. These requirements may include but are not limited to:

- (1) Sewage discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of sewage conducted by an approved wastewater testing laboratory.
- (3) Information on raw materials, processes and products affecting sewage volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of sewage pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. No. R-153, 6-17-81)

Sec. 29-79. Standards for waste analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be conducted in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be conducted at the control manhole or other structure provided, or upon suitable samples taken at said structure. In the event that no special manhole or other structure has been required, the control manhole shall be a sampling point, determined by the commissioner or, should none be established, shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to determine the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property and to determine the existence of damage or impairment to the operation of the sewerage works. (Ord. No. R-153, 6-17-81)

Sec. 29-80. Sewer /Stormwater use charge.

(a) Every estate whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of main drains, stormwater facilities and sewage works.

(b) Sewer/Stormwater rates

- (1) Such sewer/stormwater use bills shall be issued on a quarterly basis. Each sewer/stormwater use bill shall consist of two components as follows:
 - a) A charge for use of main drains and stormwater facilities:

for properties the principal use of which is residential: \$6.25 per quarter

for all other properties: \$37.50 per quarter

- b) a charge for use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimate water meter reading, for the same property, for the prior quarterly billing period at the following schedule of rates or prices (*effective July 1, 2013*):

Eight dollars and ninety-four cents (\$8.94) per hundred cubic feet for consumption from 0 to 20 hundred cubic feet;

Ten dollars and seventy-three cents (\$10.73) per hundred cubic feet for consumption from 21 to 70 hundred cubic feet;

Twelve dollars and eighty-eight cents (\$12.88) per hundred cubic feet for consumption above 70 hundred cubic feet.

(2) Multi-dwelling properties

- a) For purposes of this subsection, the term *Single Meter/Multi-Residence* shall have the following meaning: A building, buildings, or part of a building which i) is used for residential use only, ii) contains more than one dwelling unit, and iii) receives water delivered through a single service pipe and meter. The term *dwelling unit* shall have the meaning set out in the definition that appears in section 30-1.
- b) For a Single Meter/Multi-Residence property, the applicable price or rate for use of sewer shall be determined by dividing the consumption by the number of dwelling units within such property.

- (3) Where water is supplied by the city through a meter that is not in good working order, the commissioner shall use any reasonable, fair, and appropriate method to determine the quantity of water consumed and shall issue the sewer use bill on that basis.

(c) Such charges shall be reduced by a discount of thirty percent (30%) for those dwellings which are owned and inhabited by any person who is certified as eligible for the water discount program described in section 29-36(b). Whenever the board of assessors determines that a person is eligible for such water discount program, such board shall also determine said person to be eligible for a discount from the sewer/stormwater use charges pursuant to this section, which certification shall continue for the same term as such person's certification for the water discount program; and said board shall forthwith so notify the Water and Sewer Division. Upon receipt of such notice, the Water and Sewer Division shall take the steps necessary to so reduce the bills issued for the use of sewer/stormwater use.

(d) All bills issued under this section, properly numbered for identification, shall be made out in the office of the commissioner. Such bills, together with a warrant for their collection, shall be delivered to the comptroller of accounts for forwarding to the city collector-treasurer as soon as made out, and the city collector-treasurer shall thereupon assume responsibility for such collection. Bills shall be due and payable thirty (30) days from their issuance.

(e) All charges shall constitute a lien upon the land connected with the public sewer from the time of assessment and shall continue for the same period and under the same conditions as a lien established under General Laws, Chapter 80.

(f) If a bill for sewer use becomes a lien, it shall bear interest at the rate provided by law from thirty (30) days after the date of billing until it is committed as part of a tax.

(g) The occupant of any building shall be liable for the payment of the sewer use charge for such building, and the owner shall also be liable.

(h) Except where the properties served are owned, occupied and operated by one owner and not sublet to various tenants, the rates for each meter shall be figured independently of all other meters. In multiple tenant properties served by one meter, the rates shall be based upon water usage recorded from said meter billed to the owner accordingly.

(i) The commissioner is authorized to make abatements and rebates of charges when disproportionate to the service rendered. The commissioner shall certify to the comptroller of accounts the amounts of abatements and rebates for forwarding to the city collector-treasurer. (Rev. Ords. 1973, § 18-18; Rev. Ords. 1979, § 29-64; Ord. No. R-153, 6-17-81; Ord. No. T-28, 6-5-89; Ord. No. T-77, 3-5-90; Ord. No. T-78, 3-5-90; Ord. No. U-5, 4-26-94; Ord. No. V-76, 5-1-96; Ord. No. V-124, 7-14-97; Ord. No. v-180, 6-15-98; Ord. No. V-123, 5-17-99; Ord. No. V-308, 6-19-00, Ord. No. W-47, 6-20-01; Ord. No. X-22, 7-8-02; Ord. No. X-56, 6-18-03; Ord. No. X-95, 06-21-04; Ord. No. X-98, 07-12-04; Ord. No. X-212, 05-24-06; Ord. X-220, 6-19-06; Ord. Y-22, 06-04-07; Ord. No. Z-29' 06-02-08; Ord. No. Z-49, 05-18-09; Ord. No. Z-56, 12-07-09; Ord. No. Z-64, 05-17-10; Ord. No Z-88, 5-23-11; Ord. No. Z-110, 05-07-12; Ord. No. A-23, 05-20-13; Ord. No. A-39, 05-05-14)

Historical note—Ord. Nos. T-77 and T-78 permitted certain estates with garden sprinkler meters to be billed on a water use basis only for water consumed prior to 12-30-90.

Effective July 1, 2015, delete Sect 29-80 in its entirety and replace with the following:

Sec. 29-80. Stormwater use charge.

(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of main drains and stormwater facilities.

(b) Stormwater rates

(1) Such stormwater use bills shall be issued on a quarterly basis. Each stormwater use bill shall consist of two components as follows:

a) A charge for use of main drains and stormwater facilities:

for properties the principal use of which is residential: \$6.25 per quarter

for all other properties: \$37.50 per quarter

b) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of sewage works in proportion to water consumption except that a charge for the use sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with section 29-24 of this chapter.

i) Sewer rates

A charge for the use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimated water meter reading, excluding outdoor meters for the same property, for the prior quarterly billing period shall be made at the following schedule of rates or prices (effective July 1, 2015). Such sewer bill shall be issued on a quarterly basis:

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 0 to 10 hundred

cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption above 60 hundred cubic feet.”

(2) Multi-dwelling properties

a) For purposes of this subsection, the term Single Meter/Multi-Residence shall have the following meaning: A building, buildings, or part of a building which i) is used for residential use only, ii) contains more than one dwelling unit, and iii) receives water delivered through a single service pipe and meter. The term dwelling unit shall have the meaning set out in the definition that appears in section 30-1.

b) For a Single Meter/Multi-Residence property, the applicable price or rate for use of sewer shall be determined by dividing the consumption by the number of dwelling units within such property.

(3) Where water is supplied by the city through a meter that is not in good working order, the commissioner shall use any reasonable, fair, and appropriate method to determine the quantity of water consumed and shall issue the sewer use bill on that basis.

(c) Such charges shall be reduced by a discount of thirty percent (30%) for those dwellings which are owned and inhabited by any person who is certified as eligible for the water discount program described in section 29-36(b). Whenever the board of assessors determines that a person is eligible for such water discount program, such board shall also determine said person to be eligible for a discount from the sewer/stormwater use charges pursuant to this section, which certification shall continue for the same term as such person's certification for the water discount program; and said board shall forthwith so notify the Water and Sewer Division. Upon receipt of such notice, the Water and Sewer Division shall take the steps necessary to so reduce the bills issued for the use of sewer/stormwater use.

(d) All bills issued under this section, properly numbered for identification, shall be made out in the office of the commissioner. Such bills, together with a warrant for their collection, shall be delivered to the comptroller of accounts for forwarding to the city collector-treasurer as soon as made out, and the city collector-treasurer shall thereupon assume responsibility for such collection. Bills shall be due and payable thirty (30) days from their issuance.

(e) All charges shall constitute a lien upon the land connected with the public sewer from the time of assessment and shall continue for the same period and under the same conditions as a lien established under General Laws, Chapter 80.

(f) If a bill for sewer use becomes a lien, it shall bear interest at the rate provided by law from thirty (30) days after the date of billing until it is committed as part of a tax.

(g) The occupant of any building shall be liable for the payment of the sewer use charge for such building, and the owner shall also be liable.

(h) Except where the properties served are owned, occupied and operated by one owner and not sublet to various

tenants, the rates for each meter shall be figured independently of all other meters. In multiple tenant properties served by one meter, the rates shall be based upon water usage recorded from said meter billed to the owner accordingly.

(i) The commissioner is authorized to make abatements and rebates of charges when disproportionate to the service rendered. The commissioner shall certify to the comptroller of accounts the amounts of abatements and rebates for forwarding to the city collector-treasurer. (Rev. Ords. 1973, § 18-18; Rev. Ords. 1979, § 29-64; Ord. No. R-153, 6-17-81; Ord. No. T-28, 6-5-89; Ord. No. T-77, 3-5-90; Ord. No. T-78, 3-5-90; Ord. No. U-5, 4-26-94; Ord. No. V-76, 5-1-96; Ord. No. V-124, 7-14-97; Ord. No. v-180, 6-15-98; Ord. No. V-123, 5-17-99; Ord. No. V-308, 6-19-00, Ord. No. W-47, 6-20-01; Ord. No. X-22, 7-8-02; Ord. No. X-56, 6-18-03; Ord. No. X-95, 06-21-04; Ord. No. X-98, 07-12-04; Ord. No. X-212, 05-24-06; Ord. X-220, 6-19-06; Ord. Y-22, 06-04-07; Ord. No. Z-29' 06-02-08; Ord. No. Z-49, 05-18-09; Ord. No. Z-56, 12-07-09; Ord. No. Z-64, 05-17-10; Ord. No Z-88, 5-23-11; Ord. No. Z-110, 05-07-12; Ord. No. A-23, 05-20-13; Ord. No. A-39, 05-05-14; Ord. No. A-52, 12-15-14)

Historical note—Ord. Nos. T-77 and T-78 permitted certain estates with garden sprinkler meters to be billed on a water use basis only for water consumed prior to 12-30-90.

DIVISION 4. PROTECTION FROM DAMAGE

Sec. 29-81. Damage, etc., to sewage works forbidden.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. (Ord. No. R-153, 6-17-81)

Sec. 29-82. Laying of other pipes, etc., not to obstruct; removal.

Whenever any street is opened for laying or repairing any utilities or for any other purpose, the work shall be executed so as not to obstruct the course, capacity or construction of a public sewer. When any pipe or conduit shall be found to exist in such location as to interfere with the building of any public sewer, the person having charge of or maintaining the same shall, on notice, at once remove, change or alter such pipe or conduit, in such a manner as the commissioner shall direct; and if said person neglects or refuses to do so, the commissioner may make such removal, change or alteration at the expense of the party so notified. In instances involving conflicts with other municipal utilities the city engineer shall provide the necessary revisions in locations and grade which must be followed to resolve such conflicts. (Rev. Ords. 1973, § 18-4; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-61; Ord. No. R-153, 6-17-81)

Sec. 29-83. Duty to maintain building sewers in proper working order; failure to maintain after notice.

Whenever any building sewer connecting with any public sewer shall become clogged, broken, obstructed, out of order or detrimental to the use of a public sewer, or unfit for carrying sewage, the owner, agent, occupant or person having charge of any building or lot of land or premises in which such building sewer is located shall, upon written notification by the commissioner, remove, reconstruct, alter, clean or repair such building sewer as the condition thereof may require. In case of neglect or refusal to comply with such notice within five (5) days after the same is given, the commissioner may cause the building sewer to be removed, reconstructed, repaired, altered or cleaned, as he may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable to a penalty of not more than twenty dollars (\$20.00) for such neglect or refusal. (Rev. Ords. 1973, § 18-30; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-90; Ord. No. R-153, 6-17-81)

DIVISION 5. POWERS AND AUTHORITY OF INSPECTORS

Sec. 29-84. Recourse of commissioner when entry is denied.