

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 20, 2013

7:00 PM
Room 209

ITEMS SCHEDULED FOR DISCUSSION:

Public hearing assigned for February 20, 2013:

- #51-13 NSTAR ELECTRIC petitioning for a grant of location to install two manholes and 441' ± of conduit in ISLINGTON ROAD from Malvern Terrace in a northerly direction and 17' ± of conduit in MALVERN TERRACE from Islington Road in a southerly direction to Pole # P902/1. (Ward 4) [01/16/13 @ 2:12 PM]
- #52-13 ALD. GENTILE, SANGIOLO AND HARNEY requesting a discussion on the status of Moulton Street and Colgate Circle that were built by the City of Newton through the Newton Redevelopment Authority as part of the Lower Falls Urban Renewal Project. (Ward 4) [01/28/13 @ 10:53 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #320-12 ALD. SALVUCCI AND GENTILE requesting a discussion with the Engineering Division of the Public Works Department regarding the billing and collecting of street opening permit fees. [09/28/12 @ 10:28 AM]
- #301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #75-13 HIS HONOR THE MAYOR requesting authorization to transfer of seven hundred fifty thousand dollars (\$750,000) from the Snow/Ice Budget Reserve and the sum of three hundred thousand dollars (\$300,000) from the Inclement Weather Reserve to the Department of Public Works Snow/Ice Control Rental Vehicles Account. [02/11/13 @ 5:14 PM]

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]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

Re-appointment by the President of the Board of Aldermen

#36-13 ARVIN GRABEL, 259 Otis St., West Newton, re-appointed as a member of the ENERGY COMMISSION for a term to expire December 31, 2015. [01/07/13 @ 2:11 PM]

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

Public hearing assigned for March 6, 2013:

#71-13 COMCAST petitioning for a grant of location to install 70' ± of 3" conduit in NEWTONVILLE AVENUE from 122' westerly of the intersection of Bowers Street and Newtonville Avenue in a westerly direction to 458-462 Newtonville Avenue. (Ward 2) [02/12/13 @ 11:31 AM]

Public hearing assigned for March 6, 2013:

#70-13 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (100/8) in COLUMBUS STREET on the northeasterly side opposite Standish Street. (Ward 6) [02/04/13 @ 1:00 PM]

#11-13 ALD. YATES requesting that His Honor the Mayor apply to the United States Environmental Protection Agency for designation as a Green Power Partner in addition to its designation by the Massachusetts Office of Energy Resource as a Green Power Community. [12/14/12 @ 3:03 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#257-12 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.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @ 4:46 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.

REFERRED TO PUBLIC FACILITIES AND PROG & SERV COMMITTEES

- #231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration for "garbage," which is addressed in Sec. 11-5.
- #99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees, playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]
- #98-12 ALD. SALVUCCI AND CICCONE requesting an update on the new water meter installation project and information on how the meters and related equipment are functioning. [03-27-12 @ 9:06 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]

#418-11 ALD. CROSSLEY, HESS-MAHAN, LINSKY AND SALVUCCI requesting a report from the administration on the status of a strategy to meet the City's obligation as a Department of Energy Resources Green Community to reduce municipal energy consumption by 20% over five years, and how that strategy is incorporated into the capital improvement plan. [12/08/11 @ 4:09 PM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 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 PUBLIC FACILITIES AND FINANCE COMMITTEES

#383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]

#352-11 ALD. JOHNSON & SCHNIPPER requesting a discussion with the Utilities Department regarding the City of Newton's current water billing practices. [10/14/11 @ 2:31 PM]

#172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @ 3:33 PM]

#138-11 ALD. CROSSLEY AND SCHNIPPER requesting a report from the Department of Public Works regarding the energy use and maintenance costs for the City's streetlights and gaslights and costs/payback associated with recommended energy efficiency measures. [04-21-11 9:08 AM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]
- #244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @ 12:18 PM]
- #223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]
- #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]
- #175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @ 10:30 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. [08/07/07 @ 3:12 PM]
 - (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction.

Respectfully submitted,

Anthony J. Salvucci, Chairman

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

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Clerk of the Board's Office
2. Engineering Division of Public Works conducts preliminary review and provides written comments (estimated timeframe two weeks)
3. If there is no conflict, the Public Works Department files Petition Form with the Clerk of the Board. Petitioner has the right to file contested petition form to the Clerk of the Board.
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Shawna Sullivan, Committee Clerk, 796-1213
John Daghlian, City Engineer, 796-1029

RECEIVED
Newton City Clerk
13 JAN 16 2:12 PM
Shawna Sullivan, Clerk
John Daghlian, City Engineer
City of Newton, MA 02459

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name N STAR ELECTRIC

Address 200 CALVARY STREET
WALTHAM, MA 02453

Phone Number 617-369-6421 Fax Number 617-369-6328

Contact Person MAUREEN CARROLL Title RIGHT OF WAY-AGENT

Signature Maureen Carroll Date 1-8-13
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

#51-13

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.

MALVERN TERR - At and SOUTHERLY FROM ISLINGTON ROAD
A distance of about 17'± feet - conduit

ISLINGTON ROAD - At and NORTHERLY FROM MALVERN TERRACE
A distance of about 441'± feet - conduit

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

Title of Plan Islington Rd @ Malvern Terr Date of Plan 12-17-12
Islington Rd

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Projects

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:

1/28/13

- 1. Street opening permit required from City of Newton
 - 2. Notify Engineering 48 hours prior to work
 - 3. Paper detail required
- Louis M. Tarone 1/28/13

RECOMMENDATIONS:

- 1. 36" minimum cover on all trenches
- 2. Backfill shall be excavatable flowable fill.
- 3. Bituminous concrete roadway shall be replaced in kind to City of Newton specifications.
- 4. All bituminous concrete sidewalk, concrete sidewalk panels, granite and concrete curb damaged shall be replaced in kind and grade to City of Newton Specifications.
- 5. Trees shall be protected from any damage.

IV. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

- 6. Traffic shall be maintained.

[Signature]
Commissioner, Public Works

1/28/13
Date



200 Calvary Street
Waltham, Massachusetts 02453

January 7, 2013

Board of Aldermen
City Hall
Newton, MA 02159

RE: Malvern Terrace @ Islington Road
Newton, MA
W.O. #1883755

RECEIVED
Newton City Clerk
2013 JAN 16 PM 2:12
David A. Olson, CMC
Newton, MA 02459

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install approximately 458'± feet of conduit in Malvern Terrace and Islington Road, Newton.

This work is necessary to replace old direct buried cable system with a new conduit manhole system to improve system reliability @ Malvern Terrace and Islington Road

If you have any further questions, contact Maureen Carroll @ (617) 369-6421. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

William D Lemos-Supervisor
Rights & Permits

WDL/amw
Attachments

PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR CONDUITS AND MANHOLES

To the **Board of Aldermen** of the City of **Newton** Massachusetts

Respectfully represents NSTAR ELECTRIC COMPANY a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the plan made by **A. DeBenedictis** Dated **12-17-12** and filed herewith, under the following public way or ways of said City:

Malvern Terrace - At and southerly from Islington Road a distance of about 17'± feet - conduit

Islington Road At and Northerly from Malvern Terrace a distance of about 441'± feet - conduit

Install two (2) new manholes #29609, 29610

WO. 1883755

NSTAR ELECTRIC COMPANY

By: *William D. Lemos*
William D. Lemos, Supervisor
Rights and Permits

RECEIVED
Newton City Clerk
2013 JAN 16 PM 2:12
David A. Olson, CMC
Newton, MA 02459

Dated this 7th of January, 2013

City of Newton, Massachusetts

Received and filed _____, 2013

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES

#51-13

City of Newton Massachusetts, _____, 2013

In Board of Aldermen

WHEREAS, NSTAR ELECTRIC COMPANY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating, or power under 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 be and hereby is granted permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Malvern Terrace - At and southerly from Islington Road
A distance of about 17'± feet - conduit

Islington Road At and Northerly from Malvern Terrace a distance of about 44 feet- conduit

Install two (2) new manholes #29609, 29610
WO. 1883755

RECEIVED
Newton City Clerk
2013 JAN 16 PM 2:12
David A. Oison, CMC
Newton, MA 02459

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

1. Conduits and manholes shall be located as shown on a plan made by A. DeBenedictis Plan dated 12-17-12
2. Said Company shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to satisfaction of the Board of Aldermen

or such officer or officers as it may appoint to supervise the work.

A True Record. Attest: _____
City Clerk

Approved _____ 2013

Mayor

CERTIFICATE

I hereby certify that the foregoing Order was adopted after due notice and 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 on the ___ day of _____ 2013, at Board of Aldermen in the said City

City Clerk

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Board of Aldermen of the City of Newton Massachusetts duly adopted on the _____ day of _____, 2013 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 City of Newton, Massachusetts

Final Label Report

#51-53

SBL	Owner	Number	Street	Unit
41026 0013	BROOKS JOHN P & JEAN M		ISLINGTON RD	
41026 0008	KESSLER EDITH K	200	ISLINGTON RD	
41027 0030	SCHOFIELD EDWARD B	215	ISLINGTON RD	
41027 0031	GOLANN DWIGHT & SCARLETT HELAINE	221	ISLINGTON RD	
41026 0009	LUTWACK MARC	222	ISLINGTON RD	
41027 0032	HOLBEIN BRUCE E & LYNN	227	ISLINGTON RD	
41026 0010	SAUNDERS WILLIAM S & CANDACE	228	ISLINGTON RD	
41027 0033	BUECHE JAMES W & MARIA N	235	ISLINGTON RD	
41026 0011	ROBINSON JEFFREY M	236	ISLINGTON RD	
41026 0012	JACOBY VALERIE A	242	ISLINGTON RD	
41027 0034	GOLDWATER DAVID B	243	ISLINGTON RD	
41027 0035	ORTON PIPER S	251	ISLINGTON RD	
41026 0014	BROOKS JOHN P & JEAN M	252	ISLINGTON RD	
41027 0047	ROTHMAN FRAN TR	264	ISLINGTON RD	
41027 0046	WHITE ROBERT E & SHIRLEY A	270	ISLINGTON RD	
41027 0036	HOCH DENISE A CHICOINE & WILLIAM V	275	ISLINGTON RD	
41027 0045	MONAHON SUSANNAH S & PHILIP C	280	ISLINGTON RD	
41027 0044	HAYWOOD DIANA T & JON V	284	ISLINGTON RD	
41027 0043	GOMBERG RICHARD FISHER & DIANA	290	ISLINGTON RD	
41027 0037	NOVERR JOYCE M	293	ISLINGTON RD	
41027 0042	MARSHALL JOHN F & LUCIA M	296	ISLINGTON RD	
41027 0038	SHAPIRO JOANNE C	297	ISLINGTON RD	
41027 0041	TURYN RICHARD J	300	ISLINGTON RD	
41027 0039	MCNEIL ALEXANDER M & MARY SPENCER	301	ISLINGTON RD	
41027 0040	NOWAK MARY THERESA	304	ISLINGTON RD	
41027 0029	MACDONALD MICHAEL P	10	KINGSWOOD RD	
41026 0019	HARRINGTON WESLEY E	1	MALVERN TER	
41026 0018	MONTESI LORENZO	9	MALVERN TER	
41026 0015	INGHAM DAVID M & EILEEN V	14	MALVERN TER	
41026 0017	COSSABOOM CHARLES B & MONICA	17	MALVERN TER	
41026 0016	CHENEY NEIL M III & BLACK ANN E	22	MALVERN TER	

Memorandum on Moulton Street, Colgate Circle

1/25/2013

HISTORY

- The City of Newton, in the mid-1960s, created two urban renewal projects, in Newton Corner and Newton Lower Falls. They were administered by the Newton Redevelopment Authority, a city agency, and used a mix of federal, state and municipal funds.
- The Lower Falls project had two components: a federally-financed area along Washington Street that resulted in the creation of the New Falls apartments and several smaller apartment and office buildings; and a state-financed area that resulted in the creation of the Spaulding and Sly office park and the development of "upper" Moulton Street (which had existed as an unpaved road from the 1800s) and Colgate Circle.
- In 1968 a plan was submitted to the state detailing the land to be taken by eminent domain, to be used for the office park and for the house lots to be sold along the totally reconstructed Moulton Street and the newly constructed Colgate Circle. (See attached map.)
- The plan specifically stated that "All existing streets [i.e. Moulton Street] are privately owned; proposed streets will be publically owned". A total of 449,992 sq. ft. of land was acquired, of which 45,952 was designated "total public use (streets)".
- The City Engineer then designed the new/reconstructed streets and a contractor selected to build them, all with public funds. The lots were then sold and houses constructed in the early 1970s.

PROBLEM

- The newly created streets were essentially "land-locked"; they did not connect to a through-street, as required of any roadway to be owned by a municipal government. An effort was made in 1976 to have the Newton Redevelopment Authority and/or the city improve the 150 ft. of Moulton Street that was not part of the redevelopment project so it could be accepted as a public way. This failed and the docket item was eventually voted NAN.

LOGIC

- The roadways in question were built with public funds (state and city); designed to city specifications; and clearly intended in the redevelopment plan as submitted by the city to the state to be public roads. It is inconceivable that the state and city would do all of this work to create private ways.
- The City of Newton was the owner of the land on which the streets were built. It is only because of a law relating to ownership of private ways that, technically, the land is now "owned" by the abutters.
- Therefore, the city has a serious obligation to accept these streets as public ways, as a matter of fulfilling its commitment to the state when it accepted funds for this project, to carry out its good-faith responsibilities as the developer of the land, and as a matter of fairness to the many people who purchased their homes assuming the streets were public ways.

SOLUTION

- The city can "connect" the two streets to Grove Street by taking action to accept Cornell (from Grove to Moulton) or the 150 ft. of Moulton between the entrance to New Falls apartments and the main portion of Moulton reconstructed by the Redevelopment Authority. How either of these is accomplished is for the city to decide.

--

John Stewart

May 2, 2009

To: Alderman Lisle Baker
From: John Stewart
Re: Moulton Street, Gail Road, Colgate Circle, Cornell Street (upper portion)

I would like to meet with you as soon as possible to discuss an approach to the long-standing problem of the legal status of these roadways. I will possibly be accompanied by one resident.

Let me explain the background.

1) I have been involved in this problem for many years, as an alderman, president of the Lower Falls Improvement Association and most recently as a citizen trying to help the residents of these streets correct an old injustice.

2) All of these streets were included in the area of the Newton Lower Falls Urban Renewal Project, which began in the late 1960s and was essentially completed in the late 1970s. As you know, the project, which was divided administratively and in terms of funding between federal and state segments, accomplished several goals:

- removal of a block of run-down commercial structures on the north side of Washington Street and development of the New Falls apartment complex;

- removal of several individual commercial and residential structures on the south side of Washington Street and development of new commercial buildings;

- removal or movement of several residential structures in the area and development of a number of new single family houses, in their place and on vacant land, and development of the large office park on Washington Street (Spaulding and Sly).

3) The one aspect of the project of concern is ownership of Colgate Circle, Gail Road, and the "upper" portions of Moulton and Cornell Streets, which essentially connect at both ends to Grove Street. The residents and I maintain that because these streets were designed by the City Engineer and built with public funds (Commonwealth of Massachusetts and/or federal government) under the direction of a city agency (Newton Redevelopment Authority, which was part of the Planning Department) they automatically became public ways upon completion. The city maintains that because the Board of Aldermen failed to complete the process of acceptance the streets remain private ways, owned essentially by the current residents. (See the memo from Dan Funk of April 1, 2008.)

4) I have done considerable research on all of this, in the files of the Redevelopment Authority, the Project Area Committee (of which I was, and probably still am, a member) and in my own files from the 1970s and 1980s. I am reasonable certain that after the

roads were built (again, as designed by City Engineer, to city specifications, with sidewalks, granite curbs, underground utilities, etc.) and all the lots sold and houses constructed, there arose a procedural problem which neither the City Clerk, the Board of Aldermen or the Planning Department ever resolved and the whole matter was simply "lost". The problem had nothing whatsoever to do with the design or construction of the new roads. It was the fact that the existing "connecting" streets, primarily the "lower" portion of Moulton Street, was not wide enough and there was a dispute with several neighbors over how the street could be widened.

5) Again, it is my very strong contention that because of the totally public nature of this development and because the city, both as developer and as legislative body, failed in its responsibility to follow the procedures to have the roads accepted as public ways, the residents should not have to pay now for the necessary reconstruction of the streets and their formal acceptance as public ways. (The streets are in awful condition. They have not been maintained by the city although over the years the city has on occasion filled large pot holes at the request of ward four aldermen.)

I would appreciate it very much if we could meet with you sometime in May. I suspect the discussion might take an hour.

Thank you very much.

November 21, 2007

Amy, Lennie, Jay -- I think I've sent you notes on the research I'm doing on Moulton Street, trying to prove that the city and/or state or federal government has some legal responsibility for fixing the road because it was built with public funds.

I have been going through old files at Jackson Homestead (papers of Joel Leighton) and the city archives trying to find documentation on the central question of whether in fact the city owned the land and built the road and thus it automatically became a public way after completion (because no one else ever owned it!).

Background -- the land on which the upper portion of Moulton Street and Colgate Circle were built was taken from the previous owner as part of the state-financed urban renewal project. The house lots were sold in the 1970s but the street, although designed by the city engineering department and built to city specifications with public funds, was never considered a public way. I strongly suspect the reason is that the city could never come to agreement with the residents of the hill portion of Moulton Street, which was and remains a narrow road with no curbs or sidewalks. Thus, because the newly-built upper portion (and Colgate Circle) had no public access to Grove Street the whole thing became designated (erroneously in my opinion) as a private way.

Would it be possible for one of you to ask the law department if it has any documentation relative to this question --

If the city, with the aid of state and federal governments, had in fact taken legal possession of the land (sometime between 1966 and 1969) which became the new part of Moulton Street (and Colgate Circle) and if the city, with state and/or federal funds, improved that land by building the roads and sidewalks before turning the house lots over to a developer, why isn't the city still responsible for the maintenance of the road?

Put another way, didn't the city automatically create a public way when it built a road on land it owned? (Thus, there was no need to go thru the process of "accepting" the street.)

Among other things, what I am looking for are the land-taking documents used by the Newton Community Development Authority (the urban renewal agency absorbed by the Planning Department in the late 1970s). I don't know if the city actually had deeds or some kinds of easements, but clearly the land which eventually became Spaulding and Sly office complex, upper Moulton Street, Colgate Circle and Gail Road were owned or somehow controlled by the city (with state and possibly federal funds) and then sold to the developers. (I could go to the Registry of Deeds and do the searching, but if the documents are readily available in city hall it would be easier.)

john stewart
617 969 0950

#541-76 Ald. David Cohen & Shea requesting the Newton Redevelopment Authority to take the necessary steps to blacktop the remaining unaccepted portion of Moulton St. not within the Redevelopment Project area.

ACTION:

HELD.

NOTE:

Area residents present at this public meeting were:

Joseph LeBrun, 21 Moulton Street
John Young, Colgate Road
Henry Cochran, 34 Moulton Street
Mary Cochran, 34 Moulton Street
Mary Noonan, 40 Moulton Street
Mildred Colantuono, 61 Moulton Street

Also present at this meeting was Ald. Carol Ann Shea who made formal request that this matter be heard. Chairman David Cohen opened the meeting and inquired of Mr. Gerry Early, Director of the Department of Redevelopment, what the N.R.A. could do to accomplish the paving of this certain 150' of Moulton Street. Mr. Early stated that this section never came under the jurisdiction of the Authority, but remains between the state and federally aided portions of the redevelopment area. He admitted that during construction and renewal of the area, that the Authority had spent over \$400 to fill potholes in this section of Moulton Street just a few years ago.

Ald. Budge stated that this had been a perennial problem to the Moulton Street residents who were in attendance. He gave a lengthy history of this problem and stated that these residents were promised that this section of the street would be completed by the Authority similar to the section of Moulton Street that runs from Grove Street to Cornell St. He claimed that this agreement had been worked out a few years ago when he served on LOPAC with the members of the Redevelopment Authority. He further stated that because this section of Moulton Street has an uneven surface that in the winter City plows tear it up and in the good weather construction trucks raise havoc with the surface. Every time it rains, heavy rocks and gravel are washed down the hill toward Washington Street making it a liability for pedestrians.

Chairman Cohen stated that there are two options that could be proposed in an attempt to solve this problem: 1. to assign this section of Moulton Street to the Street Betterment List, but since there are 13 other streets that precede this it would take an inordinate amount of time or 2. to try to get one of the developers and/or the Redevelopment Authority to gratuitously pave it over and he felt that this should be done according to City specifications.

Ald. Shea stated that two-thirds of the street is now paved in accordance with the Redevelopment Authority agreement. She feels that it is a moral issue to get this job done. She added that the entire renewal process has been so long-termed that she feels that the paving of this street is just one more responsibility that the authority should carry out. Chairman Cohen then asked to hear testimony from the residents as to the condition of the road prior to the heavy trucking caused by the renewal development as far back as 1965.

#541-76

(continued)

He also felt that the City might be able to alter their roadway specification by waiving sidewalk and curbing requirements under the ordinances. He also felt that the NRA might be in a position to assume betterment charges as they did on the portions of Moulton Street which are already paved.

Mrs. Stanley Colantuono of 61 Moulton Street, stated that for years her father was in the construction business and that he at his own expense kept the street in repair by putting down gravel, oiling it and rolling it. He did this until his death in 1965.

Other abutters testified precisely to the same point as to the condition to the road prior to the NRA activities.

Chairman Cohen stated that we would probably not be able to get the street put in up to City specifications, but the main question here is whether or not the NRA would be willing to make some sort of contribution.

Mr. Early stated that if there was a finding by the NRA auditors, that it was permissible to pave the street then perhaps the NRA and the City could accomplish this on a matching funds basis, but he added, that he couldn't assess future liability as to the care and maintenance of the roadway.

Ald. Terry Morris stated that there were 3 basic issues involved in this matter, the first being whether the street should be restored, secondly who should pay for it and finally, to what extent it should be reconstructed. He felt that if the City has a legal or moral obligation to reconstruct the street because of the Redevelopment Authority activity, then in his opinion, the Public Works Committee and the Board has in the past deviated from their prior policies where the situations have merit.

Ald. Budge related that he felt that a patching job would not be satisfactory solution.

Mr. John Young of Colgate Circle testified that the NRA promised to put utility wires underground, but at sometime the authority decided to drop this from their list of commitments to the abutters. He feels that the nature of the street is now almost a throughway and feels that he wouldn't want to see the City wait until the construction is over because at that point there would be no recourse to the Authority, because at that time it would probably no longer exist.

Mr. Charles Thomas, Director of Planning was present and stated that first we must determine the damage that was done by the Authority then determine whether the Authority can authorize such an expenditure.

Ald. Morris stated that the central issue here is if the Authority doesn't want to pay for it or contribute towards it, is the Public Works Committee prepared to ask the Board of Aldermen and His Honor the Mayor if the City will make such an appropriation.

#541-76 (continued)
Chairman Cohen then made the following motion:

To request the Community Development Authority to pursue the necessary steps to repair and restore Moulton Street to its original condition as of 1965 (the unaccepted portion thereof) that doesn't fall within the project area, and failing that, that the City should undertake to restore the street itself. Further, to ask the City Engineer for a cost estimate to repair this portion of Moulton Street not within the Re-development area to bring it up to City specifications allowing for a waiver of curbing and sidewalk requirements.

UNFINISHED BUSINESS:

#438-76 Daniel Leone, 398 Wolcott Street, Auburndale, submitting request of Newton Gardner's Assoc. for the institution of a recycling program at the SCA disposal site involving solid gardening materials including firewood, loam, sod, gravel, stone, etc.

ACTION:
NOTE:

HELD.

Mr. Daniel Leone and other representatives of the Newton Gardner's Assoc. were present. They testified that in their opinion, there is a definite problem in disposing of solid gardening materials such as fire wood, loam, gravel and stone because they are unable at the end of a day's work to dump these materials at the transfer-haul station. This material must be taken outside the city for dumping. They propose that if the city had a chipping machine, then trees and branches and logs could be recycled into chip and bark mulch material. Similarly, rocks and stones could be broken up into various sizes of gravel and these materials would be dumped in an appropriate area and be made available to the citizens on a first come first served basis.

Ald. Schur inquired whether or not grass clippings would be included and it was determined that this material could not be dumped because of the odor emanating from decaying grass and compost.

Public Works Commissioner Larson was present and cited problems of implementing this kind of program from an administrative view. He stated that the gardner's Association, in his view, are just transferring their dumping problems back over to the city and making the city responsible for the ultimate disposal of these materials. Mr. Larson claims that therewill be a burden to the city to find an appropriate storage area and the additional cost of manpower to supervise this recycling operation and the disbursement of the materials to citizens. Also, there is the problem of opening up such a storage area on a Saturday, because it would seem that the average citizen would want to avail themselves of the material on that day. This would require a payment of overtime as an additional expense. Chairman D. B. Cohen stated that the proper approach to this request is to have Commissioner Larson work out a draft of regulations and proper guidelines in the operation of such a recycling program. Mr. Larson

①

IN BOARD OF ALDERMEN

January 18, 1954

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, public convenience and the public health require that a main drain and a sewer severally should be laid, made, repaired and maintained in and through

MOULTON STREET (a way opened or dedicated to the public use which has not become a public way)
Grove Street southerly

That land be taken therefor as shown on a plan #...33351...in the office of City Engineer of said city and a description thereof in the office of the Clerk, and

WHEREAS, said Board of Aldermen intend to lay, make, repair and maintain main drain and said common sewer, it is therefore

ORDERED: That a HEARING be had thereon and that Monday, the ..1st..... February.. 1954..... at 7:45 o'clock in the evening at the City Hall in City of Newton, before the Board of Aldermen, be and the same is hereby assigned time and place for hearing all parties interested therein. And it is further

ORDERED: That seven days at least previously to said date of HEARING, due notice of said intention and of said HEARING be given to the owner of land in which main drain and said common sewer is proposed to be laid by causing a copy of order to be left at the usual place of abode of all owners of land in which main drain and said common sewer is proposed to be laid, or delivered to each owner in person, or to his tenant, or authorized agent, if such owner has any abode in said city, or tenant or authorized agent therein known to the Board of Aldermen, and by posting a copy of this order in some public place in said City of Newton.

Said owners and their residences respectively, so far as known to the Board of Aldermen, are as follows:

OWNERS.	RESIDENCES.
Commonwealth of Massachusetts Department of Public Works	Nashua Street, Boston
Riverside Sand and Gravel Company	399 Grove Street, Newton Lower Falls
Eugene Mittelman and Lillian Mittelman Newton Savings Bank, Mtgee.	482 Grove Street, Newton Lower Falls 286 Washington St., Newton

Read and adopted,

Monte S. Basler
Clerk.

Mr. Mario DiCarlo, Chairman

-2-

January 3, 1967

The Committee holds that rezoning of this land to permit the construction of garden apartments east of Moulton Street and north of Washington Street will stimulate the development of this land without the exercise of the power of eminent domain, which will result in the forcible taking of land from one private owner and the sale to another.

2. Specific observations concerning the state plan area:

- a. The zoning classification of single family residence C should be maintained for the land in the state plan area west of Moulton Street.
- b. The zoning classification of the land abutting the east side of Moulton Street should be changed from single family residence B to single family residence C.
- c. The zoning classification of the land comprising the balance of the state plan area should be zoned for garden type apartments.
- d. The land east of Waverley Place in the federal plan should be included in the state plan, and the zoning should be changed from residence B to that for garden type apartments, so that it could be handled as a part of the land area described in c. above.
- e. Vehicular access for the garden type apartments should be to Washington Street only. There should be no vehicular access to Moulton Street.
- f. Pedestrian access should be provided from the garden type apartments to Moulton Street near Cornell Street.
- g. Traffic should be discouraged on Moulton Street.
- h. Moulton Street should remain a dead end at the northerly end.
- i. Traffic should be discouraged on Cornell Street.
- j. Colgate Road should not be cut through.

Project Improvements Footnote:

drop tentative pub. street from budget

(A) The so-called "Tentative Public Street" is not, in fact, a public street and accordingly is not eligible as a project improvement. Comment 13 of the 12/4/63 Planning review of the draft Part I, and Project Improvements Footnote (A) of that review, both noted that if this was to be a public street, it should be shown as a public right-of-way on the land use plan and as a separate disposition parcel for right-of-way on the Disposition Plan, Code R-225. Since it has not been so shown, it cannot be a public street.

M: 50

do not revise plan - only change cost of grading in budget

(B) Fill and rip-rap of so-called "re-entrant corners" of the Charles River are eligible as 100% project improvements. All other site preparation work as shown on Map 2, "Grading Plan," is ineligible, as it is finish grading designed and tailored to a specific redevelopment scheme. Only such rough grading which may be necessary to remove impediments to the saleability and use of a parcel is eligible. See RMA 7209.1, Chapter 1.

OK not

II. Supporting Facilities

Facility	Eligible & Acceptable		Eligible By	
	Yes	No	LRA	PLANNING
Charles River Footbridge	x		50	50

III. H-6220. Project Expenditures Budget. Survey & Planning

\$6,000 requested for design review services is acceptable for budgetary purposes, subject to submission of Third Party Contracts in the execution phase.

IV. H-6230. Project Expenditures Budget. Rehabilitation

As noted in Project Improvements Footnote iii of the 12/4/63 Planning review of the draft Part I, funds for restoration of the Bairy House on parcel 3-7, proposed at \$66,000, should be transferred to Line 9, project improvements. Eligibility is dependent upon submission of documentation requested in comment 21 of the attachment to this review and comment 22 of the 12/4/63 review.

✓ 3.

Chief of Planning

NEWTON REDEVELOPMENT AUTHORITY

AGENDA ITEM - June 8, 1971

4. Report of Chairman**a. Communications and Reports**

Report of Meeting with LOPAC on May 26, 1971

On May 26, 1971 the following members and staff of the Newton Redevelopment Authority and members of the LOPAC met at the Authority's site office:

Newton Redevelopment Authority

Mario DiCarlo, Chairman
 Donald L. Daniels, Vice Chairman
 Robert G. Davidson, Assistant Treasurer
 Fred Milgroom, Relocation Officer
 Eleanor Bennison, Acting Secretary

Project Area Committee

Joel B. Leighton, Chairman
 John E. Young, Vice Chairman
 Dora McKeon, Secretary
 Donald Budge
 Hugh Arcese
 Carol Robinson
 Henry J. Corcoran
 Ruth Maffiola
 Hugh Colliton

Visitors

Mr. and Mrs. William Renke

The Chairman of the Authority opened the meeting at 7:45 P.M.; and after welcoming the members of the LOPAC and visitors, he turned the meeting over to Mr. Leighton, Chairman of the PAC.

Mr. Leighton stated that no written agenda had been prepared. The following items were discussed:

1. LOPAC Proposal

The Chairman of the Authority confirmed that the proposal had been sent to the Authority's legal counsel and to the HUD Area Office in Boston for review and advise. No reply had been received to date.

week or two.

7. Demolition of Parcel 1-6 (Walker property)

Mr. DiCarlo stated that demolition contract being prepared.

8. Relocation Assistance Act of 1970

Until regulations and guidelines are received from HUD, relocation payments are being made under the old law.

9. Executive Director

Mr. DiCarlo stated that no decision had been reached on a candidate for position of Executive Director.

10. Renke Property

Mr. Leighton stated that it was the unanimous vote of the PAC on May 25, 1971 that the Renke property, Parcel No. 1-8, not be taken by the Authority due to financial hardship if no solution can be worked out to resolve financial problems.

Mr. Renke expressed an interest in moving his house to residential lot in State-aided project. Mr. Milgroom was instructed by the Chairman to explore the possibility and to get estimate for move.

11. Low-income Housing

The question arose about more concrete provision in Plan for low-income housing. Since a developer for the housing had not been selected, at present the Authority did not know under what program the housing would be constructed. (Note: Urban Renewal Plan, page 9, states "Parcel A shall be developed..... for low and moderate-income housing.")

12. Moulton Street

The question arose as to whether street improvements would be made to section of Moulton Street between two project areas. Mr. DiCarlo stated that although it is outside the project area, the question would be reviewed at a later date.

13. Gail Road

In answer to question concerning street improvements for Gail Road, Mr. DiCarlo stated that the street was outside the project area and any improvements would be a betterment.

31 Colgate Road
Newton, Mass. 02162

June 6, 1972

Mr. Robert G. Davidson, Chairman
Newton Redevelopment Authority
Newton, Massachusetts 02162

Dear Mr. Davidson:

At a meeting of the Lower Falls Project Area Committee held on May 4, 1972, with eight of eleven members present, it was unanimously

VOTED: To send the following letter to the Newton Redevelopment Authority:

In 1970, when the excavation, paving and other work was being done on Moulton Street by various contractors and utilities, considerable damage was done to the surface of Moulton Street between the Project Area Boundary and Grove Street. This was reported to the Newton Redevelopment Authority at the time.

No action has been taken, as a result of which there has been serious deterioration of the surface which would otherwise not have occurred.

In view of the prospect of further construction and use of heavy equipment in this area, LOPAC requests action be taken by the Newton Redevelopment Authority to temporarily repair this damage which was caused by an agent or agents of the Authority and that the Authority give a firm commitment to repair the surface permanently after the construction process has been completed.

Very truly yours,

Joel B. Leighton
Joel B. Leighton
Chairman, LOPAC

Cc: John E. Young, Vice Chairman LOPAC
Dora C. McKeon, Secretary LOPAC

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

- (1) That he is the duly qualified and acting Secretary of the Newton Redevelopment Authority, hereinafter called the "Authority", and the keeper of the records, including the journal of proceedings of the Authority.
- (2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on July 6, 1972 and duly recorded in this office:

VOTED:

That the members of the Newton Redevelopment Authority hereby authorize the Executive Director to spend up to \$100.00 to fill the potholes on Moulton Street requested by LOPAC.

Motion by: Sullivan
 Seconded by: Cadwell
 Ayes: Davidson, Clarey, DiCarlo, Sullivan, Cadwell
 Nays: None
 Absent: None

- (3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption of the passage of said vote have been duly fulfilled, carried out, and otherwise observed.
- (4) That if the impression of the seal has been affixed below, it constitutes the official seal of the Newton Redevelopment Authority and this certificate is hereby executed under such official seal.
- (5) That Robert Davidson is the elected Chairman of this Authority.
- (6) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand
 this 14th day of July, 1972.

(SEAL)

NEWTON REDEVELOPMENT AUTHORITY

By Gerald A. Early
 Secretary Ex Officio

AGENDA ITEM - October 4, 1973

New Business

Below is a vote taken by LOPAC on September 20, 1973:

VOTED: To advise Mr. Early to fill the potholes
on Moulton Street as requested by Mrs.
McGillvray, resident on Moulton Street.

The firm of Cappello Bros. has estimated the work to be
performed in the amount of \$200.00

A recommended vote is below:

That the members of the Newton Redevelopment
Authority hereby authorize the Executive Director
to hire Capello Bros. to do the necessary work
to fill the potholes on Moulton Street for an
amount not to exceed \$200.00

July 6, 1976

David Cohen
Chairman of Public Works

Dear Mr. Cohen,

Moulton Street was constructed approximately 35 years ago by private funds at no cost to the property owners. It was also maintained by private funds at no cost to the property owners. This service was provided by a benefactor for a long period of years.

Erosion of Moulton St. and Cornell St. was caused by heavy construction equipment such as nine-yard capacity and larger concrete trucks--twenty-wheel and twenty-four wheel dump trucks and other heavy construction equipment when Moulton St. was reconstructed from 55 Moulton St. to the intersection of Moulton St. and Cornell Street.

It is my understanding that suggestions have been made that the affected property owners go through the proper channels and have that part of Moulton St. accepted. I heartily disagree with the parties that made the suggestion. I do not believe that they are aware of the fact that Cornell St. from the intersection of Moulton St. to the intersection of Grove St. has been reconstructed fully with public funds. Why should the affected property owners on Moulton St. pay for betterments when the rest of the property owners on Moulton St. (including myself) did not pay for street betterments? Why did the property owners on Cornell St. who own property from Grove St. to Moulton St.- Nine property owners on Cornell Street, five on Moulton Street, four on Colgate Circle, making eighteen property owners in this area who have had betterments without cost and seven property owners have had no betterments whatsoever.

If public funds regardless of the source could be used for betterments on Cornell Street, why can't public funds be used to complete the reconstruction of Moulton Street?

Yours truly,

Mildred F. Colantuono
Mildred Colantuono

1 Moulton St.
Newton Lower Falls

res of Affected Parties four of whom are alderly, over 80 years, and
id taxes for over 40 years.

- J. Corcoran 34 Moulton St N.L.F.
- A. Corcoran 34 Moulton St. N.L.F.
- E. Corcoran 30 Moulton St N.L.F.
- R. Le Brun 21 Moulton St. N.L.F.
- Ma. O'Leary 35 Moulton St N.L.F.
- Frank Rossetti 45 Moulton St, N.L.F.
- Mary A. Noonan 46 Moulton St. Newton L. Falls

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

- (1) That he is the duly qualified and acting Secretary of the Newton Redevelopment Authority, hereinafter called the "Authority", and the keeper of the records, including the journal of proceedings of the Authority.
- (2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on October 4, 1973 and duly recorded in this office:

VOTED:

That the members of the Newton Redevelopment Authority hereby authorize the Executive Director to hire Capello Bros. to fill the potholes on Moulton Street, as requested by the Lower Falls Project Area Committee, for an amount not to exceed \$200.00

Motion made by: Clarey
Seconded by: Smith
Ayes: Cadwell, Clarey, Smith
Nays: none
Absent: Sullivan and one vacancy

- (3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption of the passage of said vote have been duly fulfilled, carried out, and otherwise observed.
- (4) That if the impression of the seal has been affixed below, it constitutes the official seal of the Newton Redevelopment Authority and this certificate is hereby executed under such official seal.
- (5) That Cecil Cadwell is the elected Chairman of this Authority.
- (6) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this 11th day of October, 1973.

(SEAL)

NEWTON REDEVELOPMENT AUTHORITY

By: 

Secretary

David A. Olson

From: David A. Olson <dolson@newtonma.gov>
 To: "john stewart" <stewnewton@comcast.net>
 Subject: Re: Moulton Street
 Copies to: "lisle baker" <lbaker@newtonma.gov>, <slennon@newtonma.gov>
 Date sent: Thu, 20 May 2010 15:29:29 -0400

John,

Hope your are doing well.

Back in May 2009, Ald. Baker asked for some research to be undertaken to determine if the upper portion of Moulton Street had ever been accepted as a Public Way. What was found is the following:

Moulton Street has been in existance since at least 1929 were it appears on the 1929 Atlas for the City of Newton - at that time it was a private way. In a Lower Falls Urban Renewal Project map dated September 1968, only the lower portion (first 200 ft) of Moulton Street is indicated as being included in the project. There is a Board Order dated October 16, 1978 that accepts this first 200 feet as a public way.

There is also a Street Improvement Plan dated November 1967 by the Redevelopment Authority which encompasses the upper portion of Moulton Street. Leaving about 500 feet of Moulton Street between the two parcels and outside the projects.

In September of 1976, Ald. Cohen & Shea docketed an item requesting "that the Newton Redevelopment Authority take the necessary steps to blacktop the remaining unaccepted portion of Moulton Street not within the Redevelopment Project Area." The Report from the Aldermen's Public Works Committee where this item was discussed states that:

"Chairman David Cohen opened the meeting and inquired of Mr. Gerry Early, Director of the Department of Redevelopment, what the N.R.A. could do to accomplish the paving of this certain 150' of Moulton Street. Mr. Early stated that this section never came under the jurisdiction of the Authority, but remains between the state and federally aided portions of the redevelopment area."

After the discussion the item was held and never taken up again.

You are welcome to review the material that we have been able to pull together. I have it in a file in my office. Just let me know.

David Olson

On 20 May 2010 at 13:35, john stewart wrote:

- >
- > Lisle Baker told me he has discussed with you the very difficult case of
- > Moulton Street.I'd like to know if any progress is being made.
- >
- > In summary -- Moulton Street, Colgate Circle and Gail Road were all
- > built in the early 1970s as part of the city of Newton urban renewal
- > program. The roads were designed by the city engineer, paid for with
- > funds from either federalor state government, through the urban renewal
- > project, which wasadministered by the planning department. Tragically

> the roads were never accepted by bd of aldermen. The exact reasons are a
> little murky, but essentially what happened is that the docket item for
> accepting the streets somehow got knocked off the agenda after a number
> of years because the planning department could not resolve an issue with
> some neighbors over widening an oldsection of Moulton Street, which
> public works department claimed was necessary to complete the whole
> project.

>
> It remains my very firm conviction that the current residents are
> entitled to some kind of settlement with the city because it was the
> city, i.e. board of aldermen and to some extent planning department,
> that screwed up in notcompleting the process of accepting the streets.
> This is not in any way a case of a private developer failing to petition
> for acceptance or anything like that. The city was the developer and
> thusthe city should be responsible for accepting the streets in every
> respect. The loss of evidence or inability of the city to establish a
> clear account of what happened does not relieve the city of
> responsibility. There is no dispute over the fact that the roads were
> designed by the city and paid for by the city (with federal and state
> funds). Thus, the roads are owned by the city, even if the city has not
> gone through its formal process of accepting them, with a board order.

>
> Obviously the city is not at all anxious to admit to any responsibility
> right now, for with responsibility comes the obligation to fix roads,
> which are in horrible condition. I think the residents would be quite
> willing to come to some kind of agreement -- to have the city accept
> formal ownership and pledge to fix the roads sometime in next 5 years,
> for example.

>
> Pls see if there is something you can do on this. It has dragged on for
> far too long.

>
> thanks

>
> John Stewart

>
>
>
>
>
> john stewart
> 617 969 0950

EXHIBIT 1

CITY OF NEWTON

IN BOARD OF ALDERMEN

May 20, 1968

WHEREAS, under the provisions of Chapter 121 of the General Laws of the Commonwealth of Massachusetts, as amended, the Commonwealth acting by and through the Division of Urban Renewal in the Massachusetts Department of Commerce and Development, is authorized to provide financial assistance to the Newton Redevelopment Authority (hereinafter referred to as the "Authority") for undertaking and carrying out commercial or industrial urban renewal projects; and

WHEREAS, it is provided in Chapter 121 of the General Laws of the Commonwealth of Massachusetts, as amended, that the Urban Renewal Plan for the respective project area be approved by the Governing Body of the locality in which the project is situated and that such approval include findings by the Governing Body that:

1. The financial aid to be provided is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan;
2. The Urban Renewal Plan will afford maximum opportunity consistent with the sound needs of the locality as a whole, for redevelopment of the project area by private enterprise; and
3. The Urban Renewal Plan conforms to a general plan for the development of the Locality as a whole; and

WHEREAS, the Authority has entered into a Contract with the Commonwealth of Massachusetts, acting by and through the Division of Urban Renewal in the Department of Commerce and Development, pursuant to which funds were provided for the Urban Renewal Project State-aided Portion Thereof encompassing the area as described in the attached Exhibit "A" in the City of Newton, County of Middlesex, Commonwealth of Massachusetts, (herein called the "Locality"); and

WHEREAS, the Authority has made detailed studies of the location, physical conditions, land use, environmental influences, and the social, cultural, and economic conditions of the Project Area and has determined that the area is a predominantly open area which is detrimental to the safety, health, morals, welfare or sound growth of the community because it is unduly costly to develop it soundly through the ordinary operation of private enterprise, and the members of this Governing Body have been fully appraised by the Authority and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to this Governing Body, for review and approval an Urban Renewal Plan for the Project Area, entitled "Urban Renewal Plan and Report" dated January 1968, and consisting of 30 pages, 16 exhibits, 10 tables, and 10 maps including the addendum adopted by the Authority on April 30, 1968, (hereinafter called the "Plan", supported by the following supplementary material, data, and recommendations, which material, data, and recommendations are

not part of said Plan: Project Area Report (Code No. 302) and Relocation Report (Code No. 306); and

WHEREAS, said Plan has been approved by the Authority on February 6, 1968, and the addendum adopted by the Authority on April 30, 1968, and a duly certified resolution approving said Plan, including said addendum has been filed with the City Clerk of the Locality; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the City Planner of the Locality, who is the duly designated and official planner for the Locality, has certified that said Plan conforms to the said general plan for the Locality as a whole, and this Governing Body has duly considered said report and certification of the City Planner; and

WHEREAS, said Plan for the Project Area prescribes certain things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities and other public action; and

WHEREAS, the Authority has prepared and submitted a program for the relocation of individuals and families that may be displaced as a result of carrying out the Project in accordance with said Plan and has submitted to this Governing Body a Relocation Plan for the Project, identified as "Relocation Report (Code No. 306)" and

WHEREAS, the members of this Governing Body have general knowledge of the conditions prevailing in this Project area and of the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced from the Project area and, in the light of such knowledge of local housing conditions have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the proposals for relocation and said Plan for the Project, in conformity with the contracts for financial assistance between the Authority and the Commonwealth of Massachusetts, acting by and through the Division of Urban Renewal in the Department of Commerce and Development; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the regulations of the Commonwealth of Massachusetts effectuating that Title, provide that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the undertaking and carrying out of urban renewal projects assisted under Chapter 121 of the Massachusetts General Laws, as amended;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Newton as follows:

1. That it is hereby found and determined that the Project area is a blighted open area and qualifies as an eligible Project area under Massachusetts General Laws (ter. ed.) Chapter 121, as amended.

2. That said Plan for the Project aforementioned, having been duly reviewed and considered is hereby approved, and the Mayor of the City of Newton is hereby authorized to approve said Plan and the City Clerk be and is hereby directed to file said copy of said Plan with the minutes of this meeting.

3. That it is hereby found and determined that said Plan for the Project area conforms to said general plan of the Locality.

4. That it is hereby found and determined that the financial aid provided and to be provided pursuant to said contract for financial assistance from the Commonwealth of Massachusetts pertaining to the Project is necessary to enable the Project to be undertaken in accordance with said Plan for the Project area.

5. That it is hereby found and determined that the above-mentioned Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the urban renewal of such areas by private enterprise.

6. That it is hereby found and determined that the proposals for the proper relocation of individuals and families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the Project area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.

7. That in order to implement and facilitate the effectuation of the said Plan hereby approved it is found and determined that certain official action must be taken by this Body with reference among other things, to changes in zoning, the vacating and removing of streets, alleys and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action and, accordingly, this Body hereby: (a) pledges its cooperation in helping to carry out the provisions of said Plan; (b) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such and to exercise their respective functions and powers in a manner consistent with said Plan; (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate said Plan; and (d) authorizes and empowers the Mayor of the City of Newton to execute and deliver in the name and behalf

of the City of Newton a Cooperation Agreement by and between the City of Newton and the Authority providing for the making by the City of Newton of certain local grants-in-aid in accordance with the contract to be entered into by and between the Authority and the Commonwealth of Massachusetts, which local grants-in-aid are to equal at least one-half of the actual net project cost for the Newton Lower Falls Project Area State-aid Portion Thereof as finally determined and approved by the Commonwealth of Massachusetts acting by and through the Division of Urban Renewal in the Department of Commerce and Development in accordance with such Cooperation Agreement and contract.

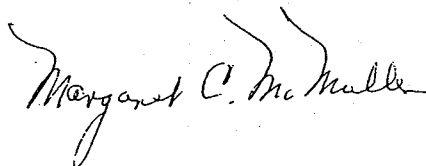
8. That the Commonwealth of Massachusetts be and they hereby are assured of full compliance by the City of Newton with regulations of the Commonwealth of Massachusetts factuating Title VI of the Civil Rights Act of 1964, as amended.

Resolution offered by Alderman Bruce
Duly Seconded

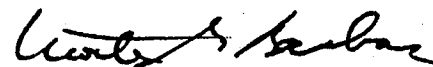
Under Suspension of Rules
Readings Waived & Resolution Adopted
22 Yeas 1 Absent 1 Vacancy
(Absent - Pres. Bauckman)

EXECUTIVE DEPARTMENT

Approved May 22, 1968



(Sgd) MARGARET C. MCMULLEN Acting
City Clerk



(Sgd) MONTE G. BASSAS Mayor

EXHIBIT "A"

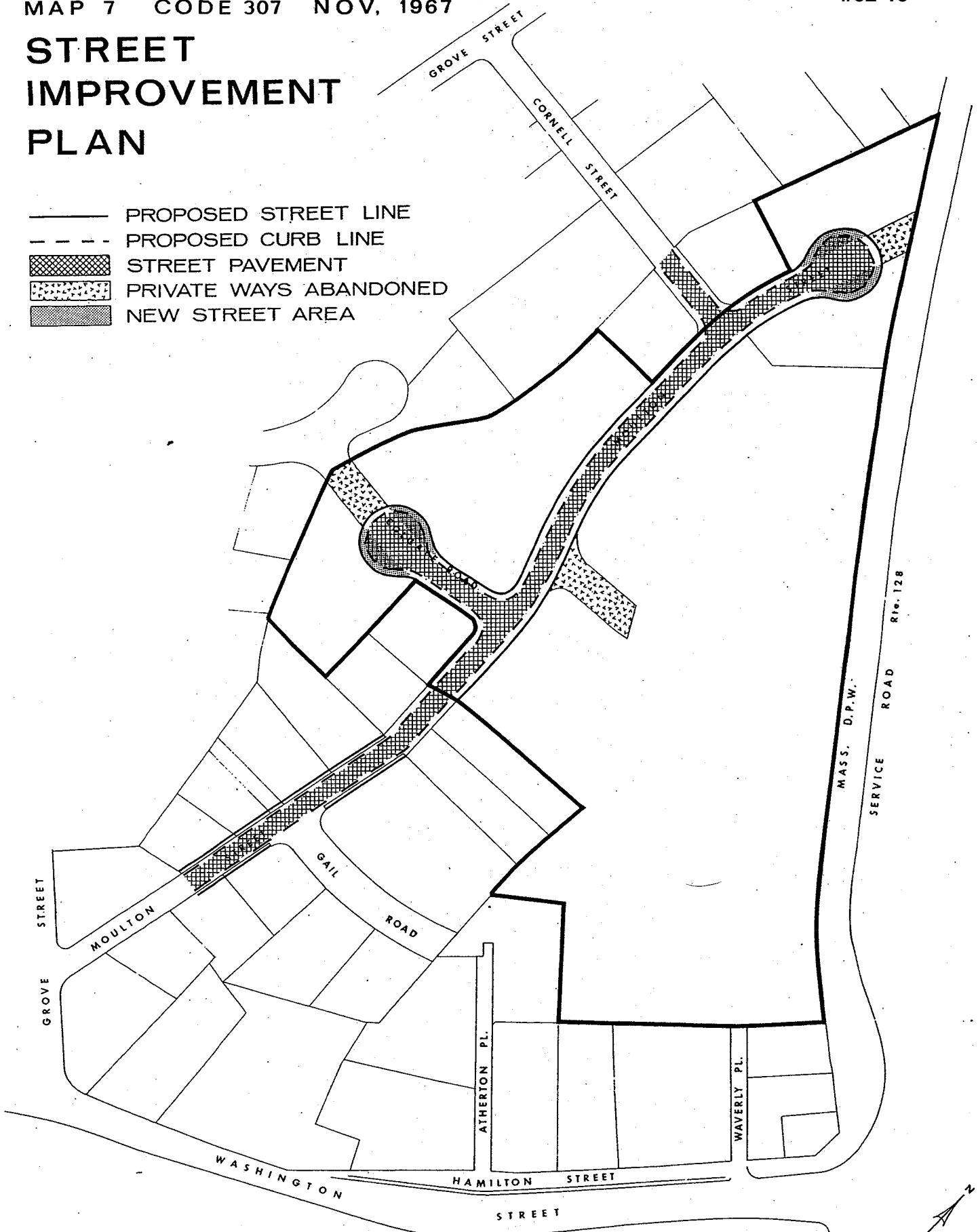
BOUNDARY DESCRIPTIONLOWER FALLS URBAN RENEWAL PROJECTNEWTON, MASSACHUSETTS

beginning at the intersection of the easterly street line of Moulton Street and the northerly property line of 49 Moulton Street; thence westerly along the extension of said property line to a point on the westerly street line of Moulton Street; thence northerly along said westerly street line to the westerly street line of Colgate Road; thence westerly along said southerly street line to a point on the easterly property line of 44 Colgate Road; thence northerly along a line to the intersection of the northerly street line of Colgate Road and the easterly property line of 31 Colgate Road; thence northerly along said property line and the easterly property of 135 Cornell Street to a point on the southerly property line of 141 Cornell Street; thence easterly along said property line to the westerly street line of Moulton Street; thence northerly along said westerly street line to the northerly property line of 142 Cornell Street; thence westerly along said property line to the easterly property line of 132-134 Cornell Street; thence northerly along said property line and the easterly property lines of 544, 544 and 528 Grove Street to a point on the westerly boundary line of the Route 128 circumferential highway; thence southeasterly by said boundary line to a point on the northerly property line of 11 Waverly Place; thence westerly along said property line to the easterly street line of Waverly Place; thence along the end of Waverly Place to the westerly street line of Waverly Place; thence along a line to the northeast corner of Hamilton Place; thence along the northerly line of 15 Hamilton Place to the northwest corner of said property; thence northerly along the westerly property line of 23 Atherton Place to the northerly property line of said property; thence westerly along said northerly property line to a point on the easterly property line of 18 Gall Road; thence northerly along said easterly property line and easterly property lines of 45 and 49 Moulton Street to the northerly property line of 49 Moulton Street; thence westerly along said northerly property line to the point of beginning.

EXHIBIT 2

STREET IMPROVEMENT PLAN

- PROPOSED STREET LINE
- - - PROPOSED CURB LINE
- [Cross-hatched box] STREET PAVEMENT
- [Dotted box] PRIVATE WAYS ABANDONED
- [Stippled box] NEW STREET AREA



MASS. D.P.W.
 SERVICE ROAD
 Rte. 128

LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

FEET 0 80 160 320
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

EXHIBIT 3

EXHIBIT 4

#52-13

TELEPHONE
BIGELOW 4-4700



City of Newton, Massachusetts

Founded 1630 Incorporated a City 1873

City Hall

1000 Commonwealth Avenue, Newton Centre 59

WILLARD S. PRATT
STANLEY MILLER
CHESTER A. PRIOR
DAVID A. LURENSKY
CHARLES E. DOCKER

PLANNING BOARD

J. HOWARD LOUGHMAN, CHAIRMAN
VAUGHN AVENUE, NEWTON HIGHLANDS

J. M. SCHIAVONE, CLERK
NEWTON CITY HALL, NEWTON

June 19, 1969

The Planning Board acting as a Board of Survey will hold a public hearing at City Hall, Newton Centre, Massachusetts, in the office of the Director of Public Works, on Monday evening, July 14, 1969, at 9:30 o'clock P. M. for the consideration of the following:

Proposed layout of portions of streets in Newton Lower Falls designated as Part of Moulton Street and Part of Colgate Road, shown on plan entitled "Plan and Profile of Moulton Street, Colgate Road and Cornell Street in Newton, Mass.", dated November 28, 1968, Newton Engineering Department.


Clerk of the Planning Board
acting as a Board of Survey

b

EXHIBIT 5

CITY OF NEWTONIN BOARD OF ALDERMEN

September 29, 1969

RESOLUTION OF THE BOARD OF ALDERMEN FOR THE CITY OF NEWTON
APPROVING URBAN RENEWAL PLAN AND FEASIBILITY OF RELOCATION
FOR PROJECT NO. MASS. R-122

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of The Department of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for the purchase of land thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such contracts shall include findings by the governing body that: (1) the findings to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area by private enterprise; and (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration to the health, safety, and welfare of children residing in the immediate vicinity of the site covered by the Plan; and

WHEREAS, the Newton Redevelopment Authority (hereinafter "Authority") has entered into a planning contract for financial assistance under such Act with the United States of America, and through the Secretary of the Department of Housing and Urban Development, pursuant to which Federal funds were provided for the Urban Renewal project (herein called the "Project") identified as the "Lower Falls Urban Renewal Project" and encompassing the area described in the attached Exhibit "A", and

WHEREAS, the Authority has applied for additional financial assistance under such Act and proposes to enter into an additional contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available additional financial assistance for, the Project; and

WHEREAS, the Authority has made detailed studies of the physical condition of structures, land use, environmental influences, and the social, cultural, and economic conditions of the Project Area and has determined that the Project is a substandard, blighted and deteriorated area and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the locality at large because of the existence of buildings which are out of repair, structurally deteriorated, obsolete, or in need of major maintenance and repair, in addition to the lack of off-street loading and unloading facilities which hamper effective fire fighting, and the findings of this Governing Body have been fully appraised by the residents of the City and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Board of Aldermen of the City of Newton (hereinafter called the "Governing Body") for review and approval an Urban Renewal Plan for the Project Area dated January 15, 1969 and consisting of a table of contents, a series of text, 3 exhibits, 5 maps, adopted by the Authority on January 12, 1969 and hereinafter called the "Plan", supported by the following supplementary material, data, and recommendations which are not part of said Plan: Relocation Report (Code No. R-223) and Project Area Report (Code No. R-224); and

WHEREAS, said Plan has been approved by the Authority, as evidenced by the copy of said Authority's duly certified resolution approving said Plan which is attached thereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the locality as a whole; and

WHEREAS, the City Planner of the Locality, who is the duly designated and official planner for the locality, has certified that said Plan conforms to the said general plan for the locality as a whole, and this Governing Body has duly considered said report and the certification of the City Planner; and

WHEREAS, said Urban Renewal Plan for the project area prescribes certain land uses for the project area and will require, in addition to other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water lines, and other public facilities, and other public action; and

WHEREAS, there have also been presented to the Governing Body reports and data respecting the Relocation Plan which have been prepared by the Authority as a result of studies, surveys, and inspections in the Project area and the assembling and analysis of the reports and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in this Project area and the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced from the Project area and, in the light of such knowledge, local housing conditions have carefully considered and approved such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the proposals for relocation in the Plan for the Project, in conformity with the contracts for financial assistance between the Authority and the United States of America, acting by and through the Secretary of the Department of Housing and Urban Development; and

WHEREAS, the Governing Body is cognizant of the conditions and restrictions imposed in the undertaking and carrying out of urban relocation projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color or national origin; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the Regulations of the Department of Housing and Urban Development promulgating that Title, provide that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the undertaking and carrying out of urban relocation projects assisted under Title I of the Housing Act of 1949, as amended;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Newton as follows:

1. That it is hereby found and determined that the Project area is a substandard, slum, blighted, and deteriorated area and qualifies as an eligible Project Area under Massachusetts General Laws (Chapter 40B, Section 20C, as amended.) Chapter 121, as amended.

2. That said Plan for the Project aforementioned, having been duly reviewed and considered is hereby approved, and the Board for the City of Newton is hereby authorized to approve said Plan and the City Clerk be and is hereby directed to file said Plan of said Plan with the minutes of this meeting.

That it is hereby found and determined that the objective of the Urban Renewal Plan cannot be achieved through more intensive rehabilitation of the Project Area.

That it is hereby found and determined that said Plan for the Project area conforms to said general plan of the City.

That it is hereby found and determined that the financial assistance provided and to be provided pursuant to said contract for the Project is necessary to enable the Project to be undertaken in accordance with the Plan for the Project area.

5. That it is hereby found and determined that the above-mentioned Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the urban renewal of such areas by private enterprise.

7. That it is hereby found and determined that said Plan for the Urban Renewal Area gives due consideration to the provision of adequate park and recreational areas and facilities, which may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.

8. That it is hereby found and determined that the provisions for the proper relocation of individuals and families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the prosecution and completion of the Project; and that such dwellings and dwelling units available or to be made available to such displaced individuals and families are at least in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families, and are reasonably accessible to their places of employment.

9. That in order to implement and facilitate the effectuation of the said Plan hereby approved it is found and determined that certain official action must be taken by this Body with respect to, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of gas and water mains and other public facilities, and other provisions, and, accordingly, this Body hereby: (a) pledges its cooperation in helping to carry out the provisions of said Plan; (b) requests the various officials, departments, boards, and agencies

locality having administrative responsibilities in
 shall likewise to cooperate to such end and to exercise
 respective functions and powers in a manner consistent
 with the Plan; (c) stands ready to consider and take appropriate
 action upon proposals and measures designed to effectuate
 the Plan; and (d) authorizes and empowers the Mayor of the
 City of Newton to execute and deliver in the name and behalf of
 the City of Newton a Cooperation Agreement By and Between The City
 of Newton and the Authority providing for the making by the
 City of local grant-in-aid in accordance with Title I of the
 Housing Act of 1949, as amended, and in accordance with the
 Plan and grant contract to be entered into by and between the
 Authority and the United States of America, which local
 grant-in-aid are to equal at least one third of the actual
 cost for the Lower Falls Renewal Project Area as finally
 determined and approved by the Secretary of the United States
 Department of Housing and Urban Development in accordance with the
 Plan, Cooperation Agreement and loan and grant contract

10. The additional financial assistance under the provisions
 of Title I of the Housing Act of 1949, as amended, is hereby
 authorized to enable the land in the Project area to be rented
 in accordance with the said Plan for the Project area and,
 upon the filing by the Authority of an application or application
 for such financial assistance under Title I is hereby approved.

11. That the United States of America and the Secretary of
 the United States Department of Housing and Urban Development
 hereby assure the City of Newton of full compliance by the City
 with regulations of the Secretary of the United States
 Department of Housing and Urban Development effectuating Title I
 of the Civil Rights Act of 1964.

A motion to reconsider
 Ald. Jackson,
 duly seconded, failed a
 voice vote

EXECUTIVE DEPARTMENT

Approved October 1, 1969

Suspension of Rules
 Waived & Approved
 2 days 2 absent
 McDonnell and Shea
 Ald. Auryansen and

Joseph H. Karlin
 Joseph H. Karlin City Clerk

Monte G. Basbas
 (Sgd) MONTE G. BASBAS MAYOR

EXHIBIT "A"

BOUNDARY DESCRIPTION

beginning at the intersection of the southerly street line of Washington Street; thence westerly along the westerly street line of Wales Street; thence southwestwardly along the westerly street line of Wales Street to the center line of the Charles River (which is also the boundary line between the City of Newton and the Town of Amesbury); thence southwestwardly, westerly and northerly along said center line of the Charles River to the northerly street line of Washington Street; thence easterly along said street line to the westerly street line of Concord Street; thence northerly along said street line to a point on the westerly extension of a property line between 2349 Washington Street and 260 Concord Street; thence easterly along said extension and said property line to the westerly property line of 2321 Washington Street; thence northerly along said property line and the westerly property lines of 677, 671, 665, 659, 655 and 651 Grove Street to a point on the westerly street line of Grove Street; thence westerly along a line at right angles to the center line of Grove Street to the westerly street line of Grove Street; thence southerly along said street line to the property line between 666 and 670 Grove Street; thence easterly along said property line to the rear property line of 670 Grove Street, thence southerly along said rear property line to a point of intersection of property lines of 670 and 676 Grove Street and 20 Moulton Street; thence easterly along the southerly property lines of 20 Moulton Street to the northwesterly corner of Moulton Street; thence southeasterly along a line at right angles to the center line of Moulton Street to the southeasterly street line of Moulton Street; thence southwestwardly along said line to a property line between 9 and 11 Moulton Street; thence easterly along said property line and rear property lines of 2305 and 2289-2299 Washington Street to a rear property line of 25 Atherton Place; thence northerly along said property line and the westerly property line of 23 Atherton Place to the northerly property line of 23 Atherton Place; thence easterly along said property line and southerly along the westerly property line of 23 Atherton Place to the rear property line of 15 Hamilton Place; thence easterly along said property line to the northeast corner of 15 Hamilton Place; thence easterly along a line connecting said corner and the northwest corner of Waverly Place; thence easterly along the northerly line of Waverly Place to the northerly property line of 11 Waverly Place; thence easterly along said property line to the easterly property line of 11 Waverly Place; thence southerly along the easterly property lines of 7 and 11 Waverly Place to the southerly point on said property lines; thence southeasterly to the point of beginning.

EXHIBIT 6

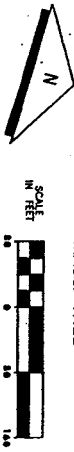
PRESENT M. D. C.
TOWN OF WELLESLEY
EASEMENT



THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH A FEDERAL LOAN AND GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE PROVISIONS OF TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED.

- PRIVATE OWNERSHIP TO BE ACQUIRED
- PRIVATE OWNERSHIP NOT TO BE ACQUIRED
- PUBLIC OWNERSHIP TO BE ACQUIRED
- PUBLIC OWNERSHIP NOT TO BE ACQUIRED
- PRIVATE RIGHT-OF-WAY TO BE ACQUIRED AND ABANDONED
- PRIVATE RIGHT-OF-WAY TO BE ACQUIRED AND DEDICATED
- PUBLIC RIGHT-OF-WAY TO BE ACQUIRED AND ABANDONED
- PUBLIC RIGHT-OF-WAY TO BE ACQUIRED AND DEDICATED
- ONLY BUILDINGS TO BE ACQUIRED
- PROJECT BOUNDARY
- COMMENCEMENT OF BOUNDARY DESCRIPTION

MAP 1
BOUNDARY DESCRIPTION AND LAND ACQUISITION
SEPT. 1968
MASS. R122



NEWTON REDEVELOPMENT AUTHORITY
NEWTON MIDDLESEX COUNTY MASSACHUSETTS
LOWER FALLS URBAN RENEWAL PROJECT

C. E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

EXHIBIT 7

EXHIBIT 8

October 16, 1978

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that MOULTON STREET

from Grove Street northeasterly 200 feet

should be laid out, graded and accepted and the grade therefor established as shown on plan and profile signed by the City Engineer of said city dated October 17, 1978 and recorded with the Engineering Department of said city as plan and profile No. 38013 and as hereinafter described, and for that purpose it is necessary to take the parcel of land hereinafter described, and

WHEREAS, said board has appointed a time for a public hearing and has caused a notice thereof and of its intention in the matter to be given as required by general law relating to town ways, and

WHEREAS, said hearing has been held, it is therefore

ORDERED, that said MOULTON STREET be and the same is hereby laid out, graded and accepted, and the grade therefor established under the General Law as a public street or way of the City of Newton, as shown on said plan and profile; and it is further

ORDERED, that an easement in the following described parcel of land, with right to slope or bank on land adjoining for support of street, be and the same are hereby taken for said public street or way.

DESCRIPTION OF LAND TAKEN

Beginning at the northwesterly tangent point of a curve of 18.00 feet radius which forms the intersection of the northwesterly line of Moulton Street with the northeasterly line of Grove St. as laid out November 11, 1850; thence by said curve to the left in a southeasterly, easterly and northeasterly direction of 18.00 feet radius, 38.37 feet; thence N.12°22'04"E., 147.55 feet by land now or formerly of Catherine C. Cooney and being the northwesterly line of said Moulton Street; thence N.78°10'36"E., 5.48 feet; thence S.77°37'56"E., 35.00 feet, the last two described lines being across Moulton Street; thence S.12°22'04"W., 137.09 feet by land now or formerly of Katherine S. Kenjeska and by land of the Newton Community Development Authority, the last described line being parallel to and 40.00 feet distant from the second described line; thence by a curve to the left of 40.00 feet radius, 25.96 feet; thence S.24°48'42"W., 111.77 feet, the last three described lines being by the southeasterly, easterly and northeasterly lines of Moulton Street; thence N.47°45'16"W., 146.06 feet; thence N.45°30'02"W., 38.46 feet to the point of beginning.

The following are the names of the persons whose property has been taken or who may be otherwise entitled to damages on account of the taking of the above parcel of land so far as known to the Board of Aldermen; and said Board of Aldermen do assess and award as the damages sustained by the following persons the amounts severally set against their names.

<u>NAMES</u>	<u>AMOUNTS</u>
Newton Community Development Authority	None
Catherine C. Cooney	None
Katherine S. Kenjeska	None

Under Suspension of Rules
Readings Waived & Adopted
20 Yeas 4 Absent (Ald.
Coletti, Dietz, Stiller &
M:Donnell)

EXECUTIVE DEPARTMENT

Approved Oct. 18, 1978

Joseph H. Karlin

Theodore D. Mann

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor



Setti D. Warren
Mayor

PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

February 15, 2013

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

Honorable Board:

As requested, attached please find materials for the Carr School project update.

Sincerely,

Stephanie Kane Gilman
Commissioner of Public Buildings



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#301-12(2)
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

DATE: February 5, 2013

TO: Candace Havens, Director, Planning and Development Department

FROM: Katy Hax Holmes, Senior Planner

CC: Design Review Committee

SUBJECT: Carr School Development Review Team Meeting (DRT) 1.16.13

A Development Review Team (DRT) meeting was held on January 16, 2013 to discuss the proposed plans for re-adapting the Carr School on Nevada Street for use by elementary school populations in the City. Departmental representatives in attendance were Alexandra, David and I from Planning, Patrick Baxter and Bill Paille from the Transportation Division, Sargeant Babcock and Captain Gromada from the Police Department, Alicia Bowman, Pedestrian Coordinator; Miriam Tuchman from Public Buildings, Regina Moody, School Transportation Coordinator; Lou Taverna from the Engineering Division, and architects for the project. The site plan included a dedicated bus lane along the east side of the school screened with landscaping, and a blue zone located in front of the school, thereby separating the drop-offs and pick-ups for buses and cars to address following concerns cited in Board Order 301-12:

- 4.a. Investigate and develop a parent drop-off and pick-up blue zone adjacent to the site, but such blue zone shall not be in the rear parking area as shown on the plans referenced in Condition #1.*
- 4.b. Investigate and develop an appropriate bus drop-off and pick-up location on or adjacent to the site that addresses student safety, traffic circulation, and provides landscape screening to mitigate impact on neighborhood residences, if needed.*
- 4.c. Maximize staff parking on-site consistent with the areas shown on the plans referenced in Condition #1 for staff parking, which may include a reduction in the parking stall dimensions, the width of maneuvering aisles, and landscape screening, provided such reductions can safely accommodate staff, handicap vans, and emergency vehicles.*

The DRT representatives emphasized that this new site plan achieves safe access to the Carr School for the following reasons:

- Due to its temporary use as a satellite school, fewer children will be walking to this school than in the past. More buses will serve the site, so there will generally be more traffic at peak times.
- The separation of buses and cars offers safer access for all students, as the number of children crossing the street to get to the school will be reduced. Students will not be forced to cross to school in front of the buses. Buses and vehicles will also be routed from different directions to reinforce the separation.

#301-12(2)

- It is of benefit to student safety and the neighborhood to have buses removed from the street. If buses pick up and drop off at the curb, no cars may pass them, thus creating backups throughout the neighborhood during those times. Neighbors would also not be able to exit their driveways during peak loading and unloading hours.
- This plan also allows for the Special Ed vans to have improved means of entry to both the front and rear accessible entrances to the school.
- The rear baseball field will also be relocated in order to improve emergency access and enable more efficient use of the available paved area to create more staff parking spaces, reducing parking in the surrounding residential neighborhood. The Fire Department is in support of improved emergency access on-site, as it is currently very limited.

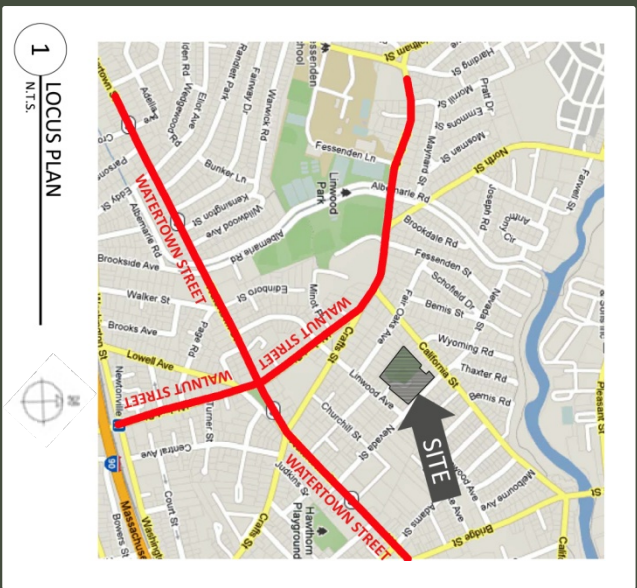


Presentation to Public Facilities: February 20, 2013
60% BID DOCUMENTS REPORT

Newton, MA | City of Newton Public Buildings Department



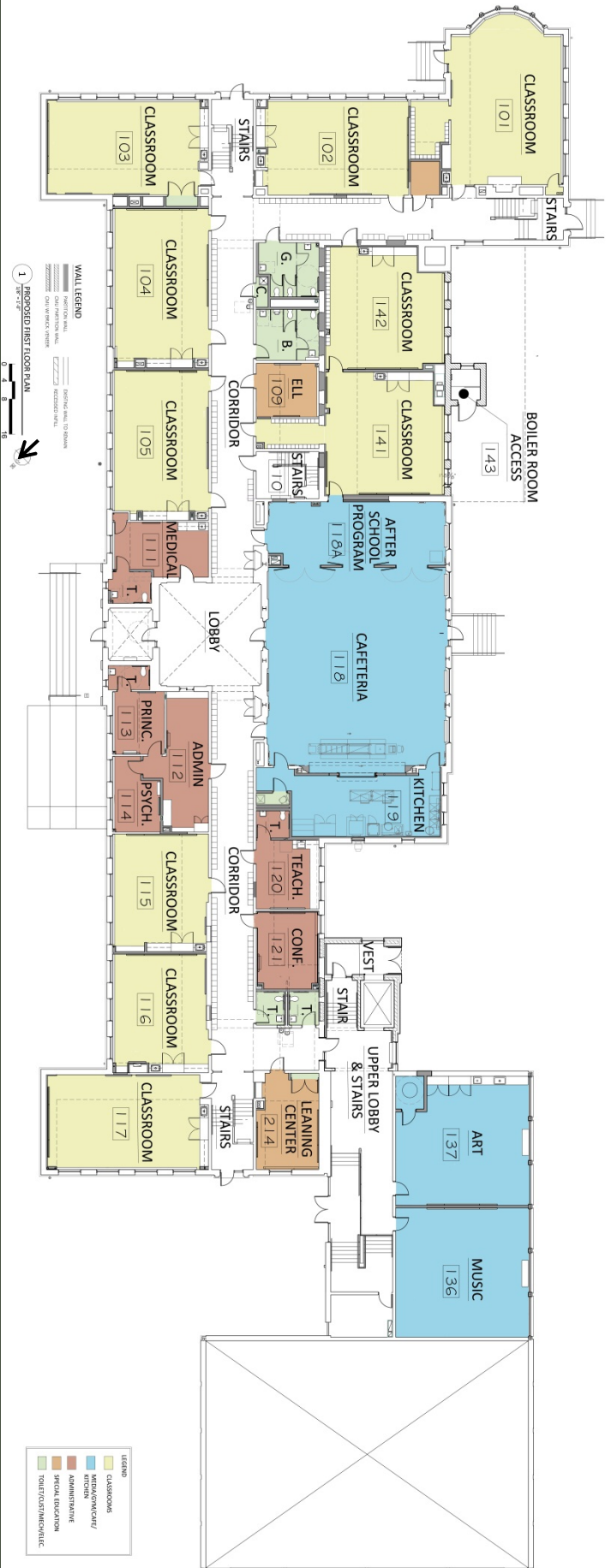
AERIAL & LOCUS PLAN | Carr School Reconstruction



Carr Elementary School
60% Bid Documents Report
Newton, MA



FIRST FLOOR PLAN | Carr School Reconstruction



Plan Summary:

- 20 Classrooms & spaces for Art, Music, Special Education
- Meets all accessibility requirements
- Provides security access control for front and rear accessible doors

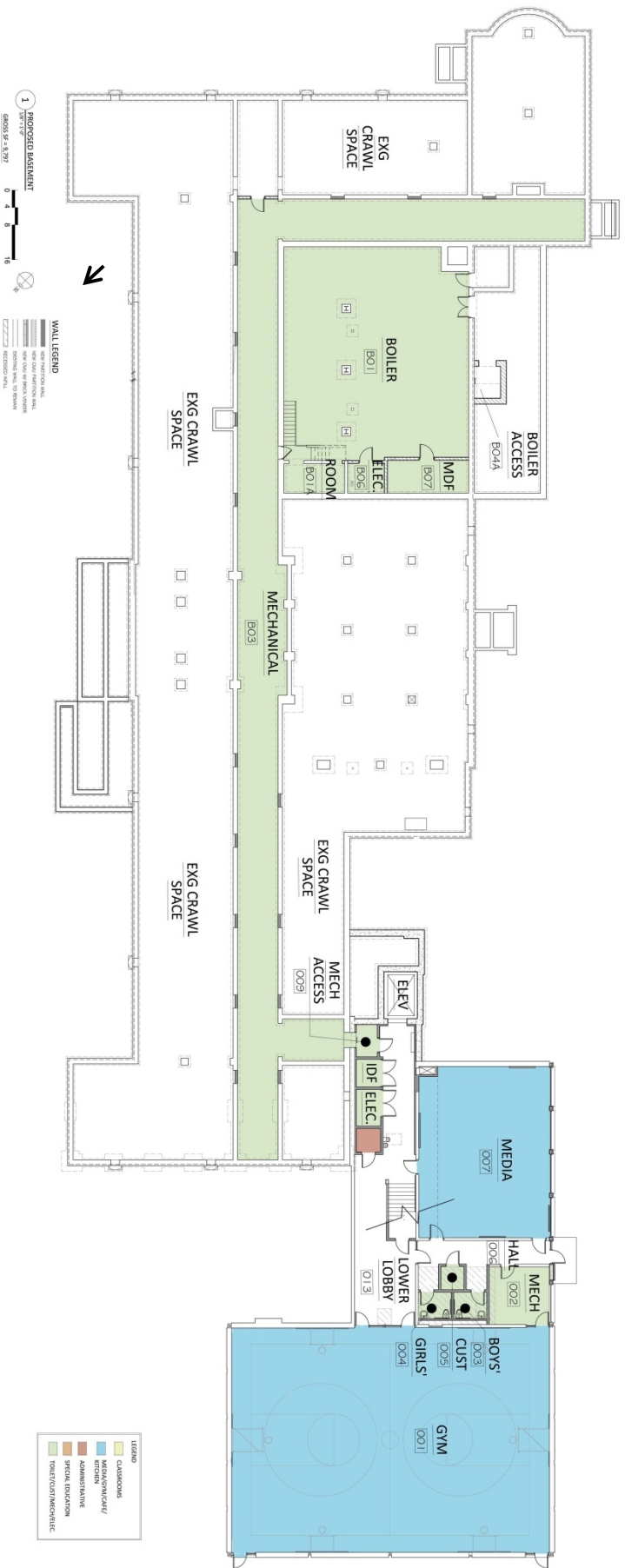
Carr Elementary School

60% Bid Documents Report

Newton, MA



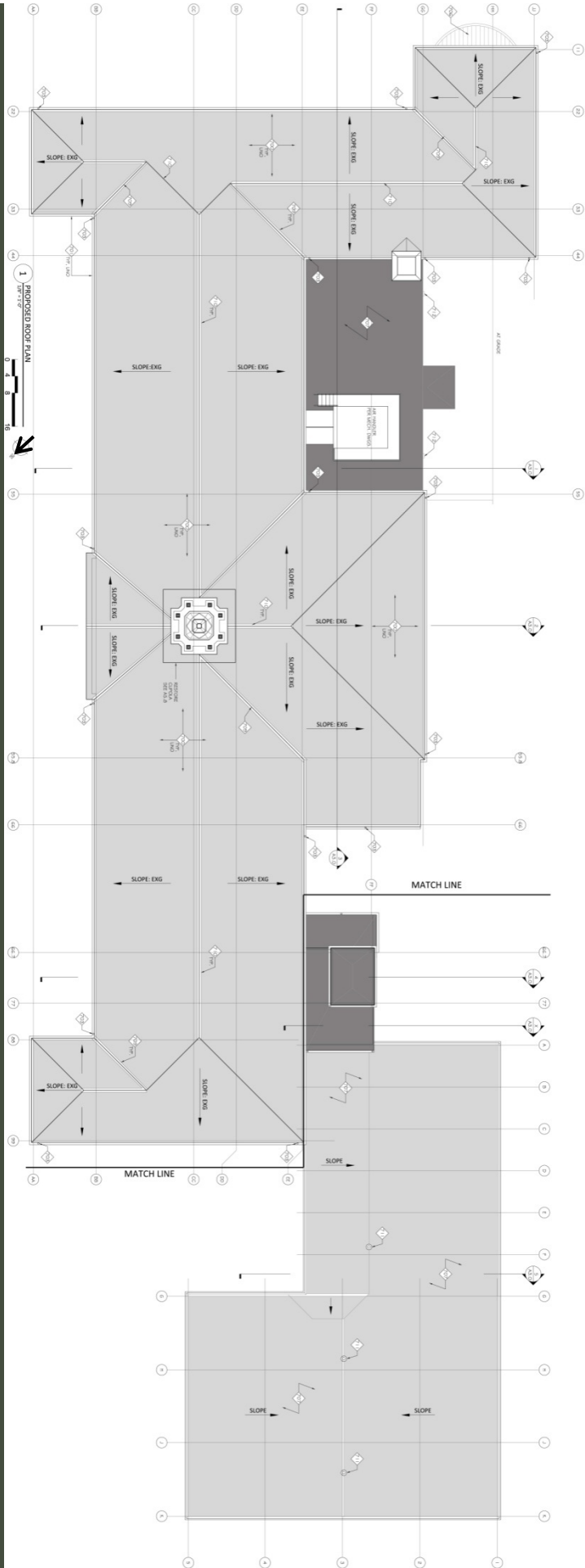
BASEMENT PLAN | Carr School Reconstruction



Carr Elementary School
60% Bid Documents Report
Newton, MA



ROOF PLAN | Carr School Reconstruction

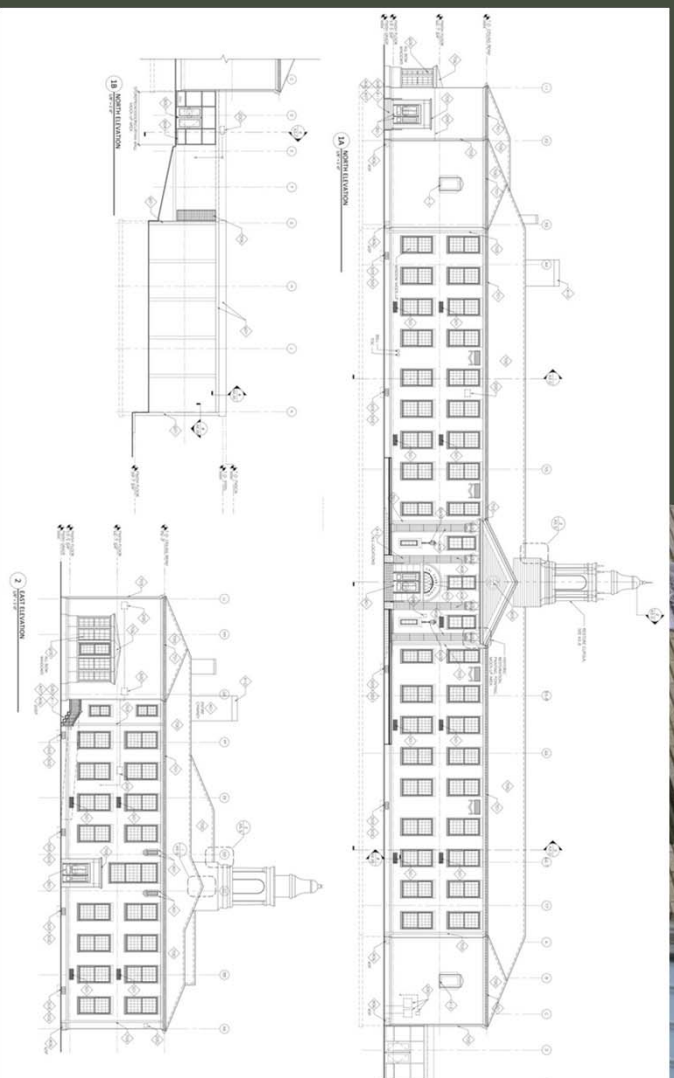


Carr Elementary School
60% Bid Documents Report
Newton, MA



Windows | Carr School Reconstruction

Aluminum units with triple glazing $U = 0.30$
Mullion and muntin pattern similar to existing.
Mock up scheduled to determine operation; Single hung or Hopper
30 Yr glazing warranty, 10 Yr System & Finish, 30 Yr + Life Expectancy



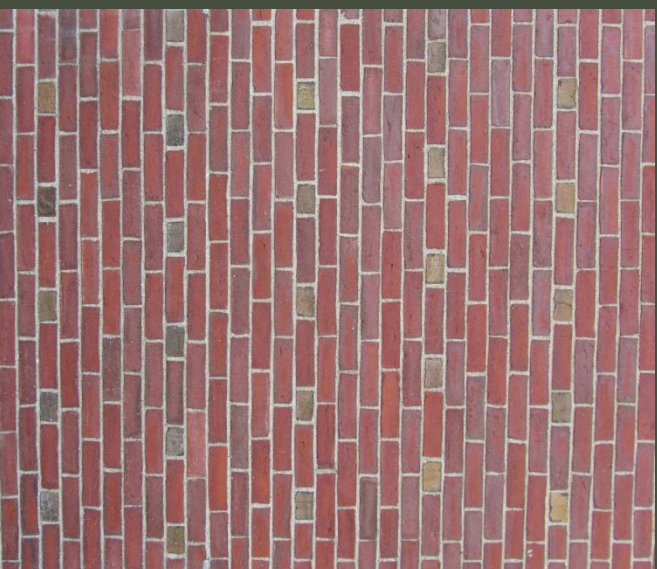
Carr Elementary School
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Newton, MA



EXTERIOR ELEVATIONS | Carr School Reconstruction



Existing Entrance Yellow Brick

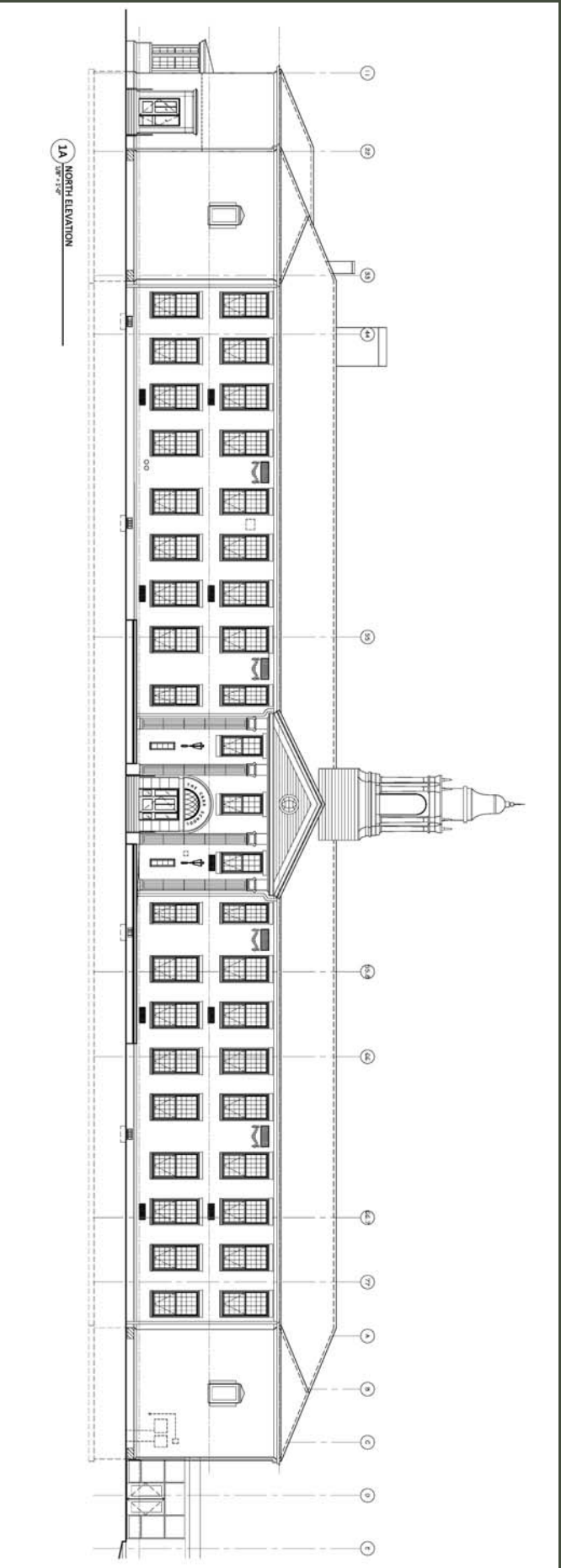


Existing Brick Pattern

Carr Elementary School
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Newton, MA



EXTERIOR ELEVATIONS | Carr School Reconstruction

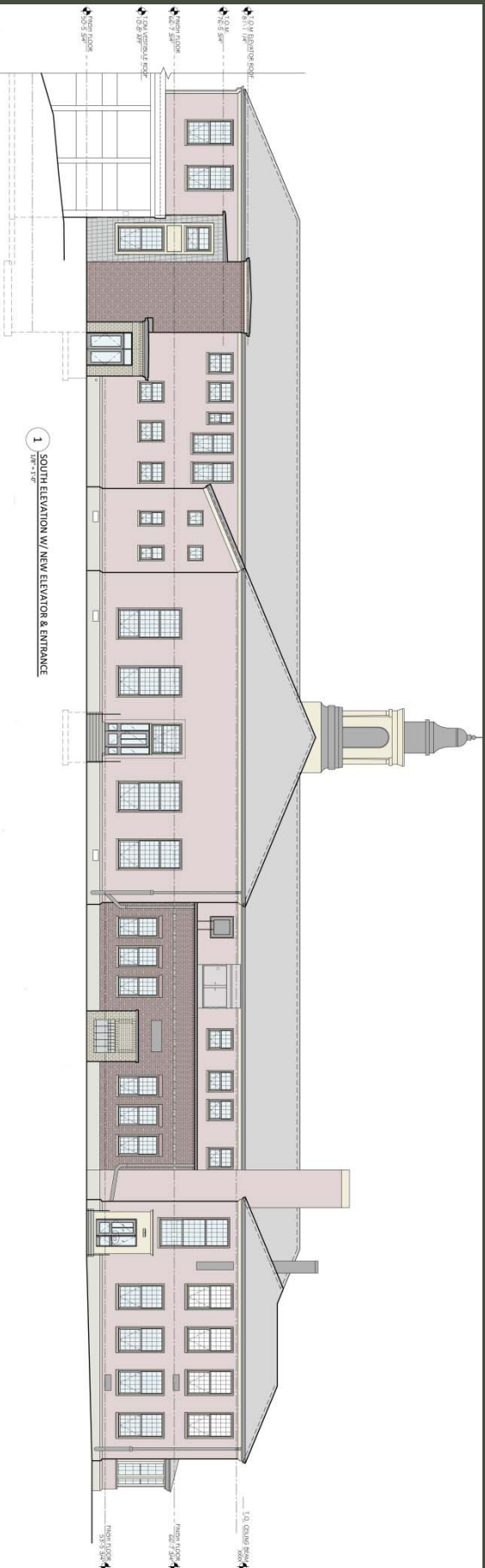


Proposed North Elevation

Carr Elementary School
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Newton, MA



EXTERIOR ELEVATIONS | Carr School Reconstruction

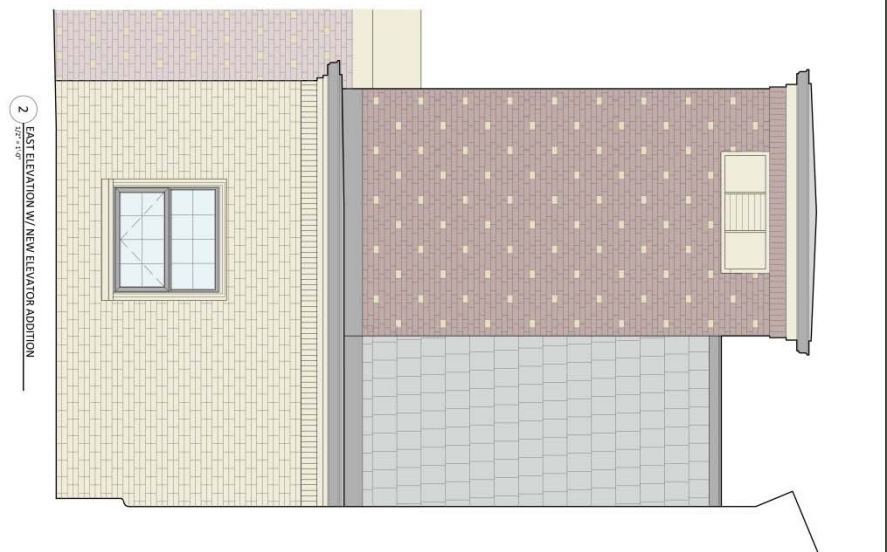


Proposed South Elevation

Carr Elementary School
60% Bid Documents Report
Newton, MA



EXTERIOR ELEVATIONS | Carr School Reconstruction



Detail Elevation of Elevator Addition

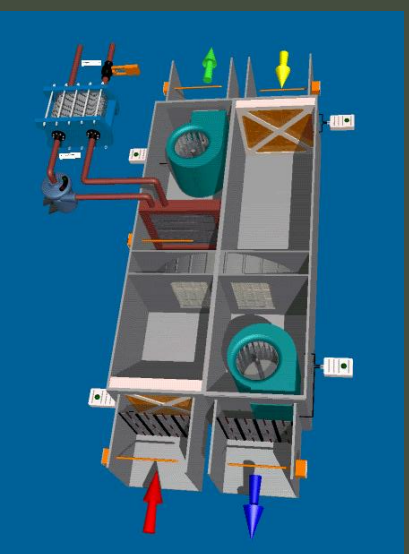
Carr Elementary School
60% Bid Documents Report
Newton, MA



Sustainable Building Systems | Carr School Reconstruction

Complete New Building Systems Featuring:

- Water Conserving Plumbing Fixtures
- High Efficiency Gas Fired condensing Boilers.
- Point of Use Electric Water Heaters in Classrooms
- 100% Outside Air Ventilation with Energy Recovery
- CO2 Demand Ventilation for Gymnasium
- Energy Management System
- Lighting Control System with Addressable Breakers
- Low PSF wattage for artificial lighting (0.5 watts/sf) – (50% better than stretch code)
- Daylight Harvesting



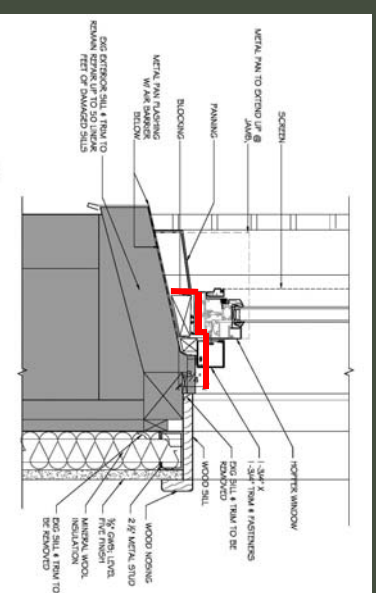
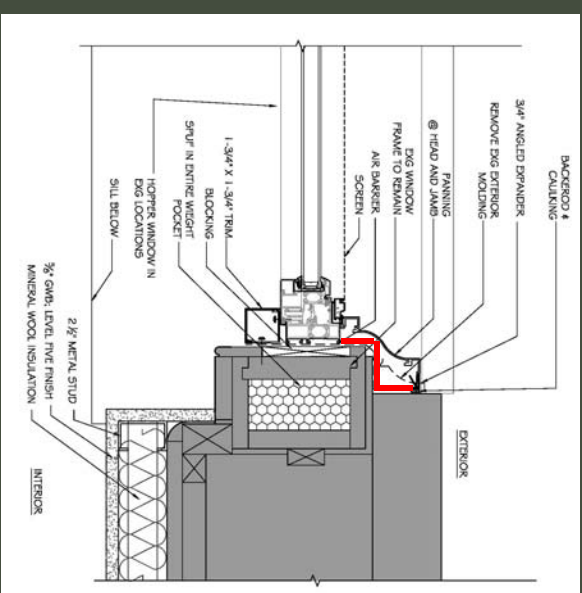
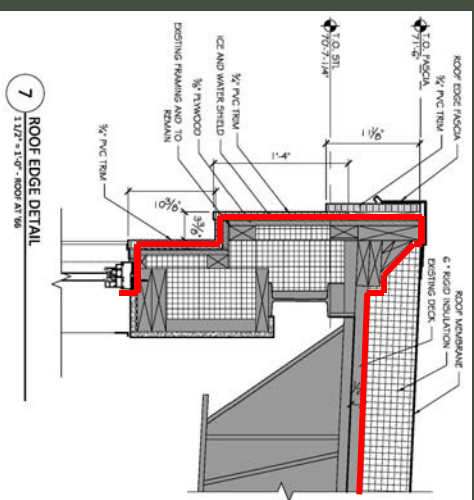
Carr Elementary School
60% Bid Documents Report
Newton, MA



Envelope | Carr School Reconstruction

Envelope:

- Appraised envelope improvements using energy modeling software
- Made envelope improvements that prove greatest benefit
 - Roof insulation meets or exceeds stretch code
 - Windows: U-value exceeds stretch code
- New additions meet or exceed requirements for new construction in all aspects
- Improve air barrier where possible



Schedule Moving Forward:

Neighborhood Meeting	February 28, 2013
Construction Documents 100%	March 31, 2013
Bidding	May 2013
Construction Begins	July 1, 2013
Occupancy	September 2014



Thank You

Newton, MA | City of Newton Public Buildings Department



National Grid Invoices and Payments

<u>YEAR</u>	<u># PERMITS</u>	<u>STREET OPENING</u>	<u># PERMITS</u>	<u>TRENCH</u>	<u>TOTAL</u>	<u>PAID</u>
2004	234	\$ 23,400	0	\$ -	\$ 23,400	Dec 2012
2005	232	\$ 23,200	0	\$ -	\$ 23,200	Jan 2013
2006	178	\$ 17,800	0	\$ -	\$ 17,800	Feb 2013
2007	374	\$ 37,400	0	\$ -	\$ 37,400	Dec 2012
2008	302	\$ 30,200	191	\$ 9,550	\$ 39,750	Dec 2012
2009	228	\$ 22,800	228	\$ 11,400	\$ 34,200	Dec 2012
2010	316	\$ 31,600	316	\$ 15,800	\$ 47,400	Dec 2012
2011	146	\$ 14,600	146	\$ 7,300	\$ 21,900	Dec 2012
2012	313	\$ 31,300	313	\$ 15,650	\$ 46,950	Oct 2012
		\$ 232,300		\$ 59,700	\$ 292,000	
Oct 2012	41	\$ 4,100				Jan 2013
Nov 2012	14	\$ 1,400				Jan 2013
Dec 2012	0	0				n/a
Jan 2013						



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#75-13

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(617) 796-1089

E-mail
swarren@newtonma.gov

February 11, 2013

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

RECEIVED
Newton City Clerk
2013 FEB 11 PM 5:14
DAVID A. OLSON, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer and authorize the expenditure of the sum of \$750,000 from Acct # 0110498-5794 Budget Reserve Snow/Ice Removal and \$300,000 from the Inclement Weather Reserve to Acct # 0140110-5273 Department of Public Works Snow/Ice Control Rental Vehicles. This money will then be reallocated to cover the costs of contractors, salt, gasoline, etc. Additionally, I have authorized the transfer of \$300,000 from current year savings in DPW salary accounts to cover the costs associated with overtime for City of Newton employees.

The Blizzard of 2013 dropped 24.9 inches of snow on the City. The cost of this storm will approximate \$1.2 - \$1.5 million. Following these transfers the City will continue to have more than \$2 million in free cash and \$500K in the Inclement Weather Reserve.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Sullivan Shawna

Copies to: sullivan shawna <ssullivan@newtonma.gov>, salvucci anthony <asalvucci@newtonma.gov>
From: DEBORAH CROSSLEY <djcrossley26@verizon.net>
To: lennon scott <sflenon@comcast.net>
Subject: Fwd: New members for the Energy Commission
Date sent: Sun, 03 Feb 2013 15:57:06 -0500

Hi Scott,

You may remember I asked to hold the reappointment of Arvin Grabel in PF, who has served the EC over two decades.

This was because over the last few months the Chairman had not been able to communicate with him to assure he wished to continue. As you can see below, he does not. Not sure if he got back to Shawna. But Eric Olson asked me to forward this.

This leaves that BoA seat open, and as well, still one mayoral seat. The commission seeks to broaden its expertise in part by finding someone familiar with energy efficient building construction techniques. Also, there remains only one woman on the Commission - so there are a couple of names floating who may fit the bill.

I would be pleased to continue to help work on recommending a name to you.

Best,

Deb

Deborah J. Crossley
A L D E R M A N
dcrossley@newtonma.gov
617/ 775-1294 cell phone

When responding, please be advised that the Secretary of the Commonwealth has determined that email may be considered a public record.

Begin forwarded message:

From: Eric Olson <eolson@brandeis.edu>
Date: February 2, 2013 1:55:36 PM EST
To: Deb Crossley <djcrossley26@verizon.net>, Halina Brown <HBrown@clarku.edu>
Subject: Fwd: New members for the Energy Commission

We have another opening on the Commission.

Best,

Eric

----- Forwarded message -----
From: **Arvin Grabel** <agrabel@ece.neu.edu>
Date: Wed, Jan 30, 2013 at 2:20 PM
Subject: RE: New members for the Energy Commission
To: Eric Olson <eolson@brandeis.edu>

Eric-I have been asked to take my oath on Feb. 20. After more than 25 years on the Energy Commission, I think it is time for new blood. If it helps, I'll stay until someone is appointed in my place.

It has been very rewarding working with you and the current group. I think we've accomplished some and helped Newton but there is much to do. I don't think I have the stamina for another three years.

I'll see you on 2/18 for my swan song.

Arvin