

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, MAY 22, 2013

7 PM or if there is a Committee of the Whole meeting, Public Facilities will begin at the conclusion of the Committee of the Whole.

Room 209

ITEMS SCHEDULED FOR DISCUSSION:

#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

#173-13 HIS HONOR THE MAYOR requesting the sum of two hundred eighty-two thousand dollars (\$282,000) be appropriated from bonded indebtedness for the purpose of purchasing a street sweeper and backhoe for the Department of Public Works in accordance with the Fiscal Year 2014 Capital Improvement Plan. [04/29/13 @ 6:05 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]

#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]

ITEMS NOT SCHEDULED FOR DISCUSSION:

Public hearing assigned for June 5, 2013:

#190-13 HPC WIRELESS petitioning for a grant of location to install 4" fiber optic cable duct bank in WEBSTER STREET from an existing pole to the Massachusetts Turnpike Property. (Ward 3) [05-01-13 @ 10:07]

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 Guditiz, 617-796-1156, via email at TGuditiz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#163-12 ALD. CROSSLEY AND SALVUCCI requesting discussion with the Department of Public Works to review prioritization of snow and brush storage sites across the city and to remove the Nahanton Park site from the list in order to facilitate location of the temporary fire station while Station #10 (Dedham Street) is under construction. [04/25/13 @ 4:30 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]

#153-13 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the progress of the citywide storm water system assessment needed to define the scope of repairs to the system, as well as methods of financing the assessment and an accounting of the storm water enterprise fund. [04/02/13 @ 11:02 AM]

#152-13 ALD. ALBRIGHT requesting a discussion with the Department of Public Works regarding the new LED streetlight pilot. [04/01/13 @ 8:53 AM]

REFERRED TO PUB. FACIL., PROG. & SERV. AND FINANCE COMMITTEES

#138-13 HIS HONOR THE MAYOR requesting authorization to appropriate an amount that is yet to be determined from bonded indebtedness for the purpose of funding the Carr School renovation project. [03/25/13 @ 3:58 PM]

#131-13 ALD. CROSSLEY, FULLER, SALVUCCI, JOHNSON, CICCONE requesting periodic updates and discussion, at the discretion of the members of the Public Facilities Committee or the Commissioner of Public Works, on the condition functioning, operations and management of all elements of the City sewer water and storm water systems including the following:

- Water meters
- Implementation of the ten project area strategic plan to remove infiltration in the City sewer system
- Implementation of the long range strategic plan to repair and replace City water mains, especially to correct for fire flow
- Status of the City's Private Inflow Removal Program to resolve and disconnect illegal storm water connections to the City sewer system
- Current billing practices
- Rates analyses needed to facilitate an informed comparison of billing options to include the following options either alone or in combination: seasonal rates, second meters, tiered rates, frequency of billing, low income credits. [03/23/13 @ 11:13 AM]

#112-13 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole # 78/4 on WILLIAMS STREET northerly 65'± from its current location in order to relocate service to a customer. (Ward 3) [02/27/13 @ 9:35 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]

#301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

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 and 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.

#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]

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]

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]

#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]

#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]

#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

**CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM**

DATE: May 16, 2013
TO: Anthony Salvucci, Chairman, Public Facilities Committee
FROM: Robert J. Waddick, Assistant City Solicitor *RJW*
RE: Board No. 52-13 - Moulton Street

Mr. Chairman:

Provided with this memorandum are documents relating to the history of Moulton Street organized in chronological order. This information may be useful to the Committee in its deliberations on this matter. A brief summary of the Law Department's work and findings relative to this matter follows.

The Law Department determined that the upper portion of Moulton Street, that is, the portion from about 55 Moulton Street to the northerly end of Moulton Street, is a private way. Area residents have contended this portion of Moulton Street should have been made public as it was within the land area that was the subject of a state-aided urban renewal project carried out by the Newton Redevelopment Authority in the 1960's and 1970's. However, this portion of Moulton was never made public and remains a private way.

The lower portion of Moulton Street which connects to Grove Street was included in the land area that was the subject of a federally-aided urban renewal project that was carried out by the Redevelopment Authority during the same general timeframe. However, this portion of Moulton Street, as well as well as other roads in the federally-aided project area, were made public.

After reviewing voluminous documents in the City's archives, the Law Department has not yet identified documentary evidence which can clearly show whether the upper portion of Moulton Street was left a private way deliberately or whether there was an oversight on the part of the Redevelopment Authority¹ or the City.

What is clear from the documentary evidence is that there was continuing dialogue among the area residents, the Board of Aldermen, the Lower Falls Area Planning Council (LOPAC), the Newton Redevelopment Authority and the Newton Community Development Authority about

¹ The Newton Redevelopment Authority had morphed into the Newton Community Development Authority by the time the urban renewal projects were being completed.

the condition of Moulton Street. In fact, in 1976 the Newton Community Development Authority requested permission from the state to spend \$2,000.00 to make repairs to the upper portion of Moulton Street and \$6,500.00 for repairs to the middle portion of the street which was not within an urban renewal project area. Permission was granted and it appears that the work was authorized. It is also clear that in 1978 the Board of Aldermen, in three separate Board Orders, executed public way takings in the federally-aided project land area. One of these was the public way taking of the lower portion of Moulton Street.

While no conclusive evidence has been found to explain why the upper portion of Moulton Street was not made public, a question arises as to how this could have been an oversight given all of the constituencies involved and all of the attention being paid to the condition of Moulton Street. Moreover, given the fact the public way takings were done for other roads in the area relatively close in time to all of the dialogue about the condition of Moulton Street, makes it difficult to conclude that the failure to make the upper portion of Moulton Street public was an oversight.

In any case, based upon the documentary evidence reviewed, the Law Department cannot determine with any degree of certainty what the intent of the Redevelopment Authority, the Newton Community Development Authority or the City was, with respect to the ultimate status of the upper portion of Moulton Street.

**CHRONOLOGY RELATIVE TO
MOULTON STREET**

<u>EXHIBIT</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	1/3/67	Redevelopment Authority correspondence noting concerns about traffic on upper Moulton, Colgate and Cornell.
2	1/68	Portion of Urban Renewal Plan document relative to street improvements.
3	1/68	Map 7 referenced in prior document showing street improvements.
4	5/20/68	Board Order relative to state-aided Urban Renewal Project encompassing upper Moulton and Colgate.
5	6/3/68	Portion of Cooperation Agreement between City of Newton and Redevelopment Authority relative to state-aided project.
6	8/68	Land Assembly relative to state-aided project with maps.
7	12/11/68	Plan of Land showing layout of upper Moulton, Colgate and portion of Cornell.
8		Portions of Application for state-aided project execution with reference to maps included in prior document (Exhibit 7).
9	9/29/69	Board Order relative to federally-aided Urban Renewal Project encompassing lower Moulton.

<u>EXHIBIT</u>	<u>DATE</u>	<u>DESCRIPTION</u>
10	10/2/69	Portion of Cooperation Agreement between City of Newton and Redevelopment Authority relative to federally-aided project.
11	9/68	Map showing land acquisition including streets relative to federally-aided project.
12		Project Improvement report addressing street improvements in federally-aided project area.
13	10/7/70	Letter to Redevelopment Authority from Newton Lower Falls Project Area Committee (LOPAC) requesting that land abutting east side of upper Moulton be changed from commercial to residential and noting that Moulton Street is to be "a residential access street only."
14	4/26/72	Subdivision Plan showing residential lots on east side of Moulton.
15	6/6/72	Letter from LOPAC to Redevelopment Authority asking for repairs to middle/lower portions of Moulton (letter indicates upper Moulton paved in 1970).
16	7/14/72	Certificate of Vote of Redevelopment Authority regarding repairs to Moulton.
17	8/3/72	Minutes of Meeting of Redevelopment Authority noting residents of Moulton pleased with repaving.
18	11/20/72	Board Order 912-72 regarding change of name of Colgate Road to Colgate Circle and correspondence from City Engineer.
19	10/11/73	Certificate of Vote of Redevelopment Authority authorizing filling of potholes at Moulton.

<u>EXHIBIT</u>	<u>DATE</u>	<u>DESCRIPTION</u>
20	7/6/76	Letter from Mildred Colantuano to David Cohen requesting Board of Aldermen to reconstruct middle portion of Moulton. Letter notes that upper Moulton, Colgate Circle and Cornell reconstructed at no cost to property owners.
21	1976	Petition from property owners on middle portion of Moulton relative to street reconstruction.
22	7/8/76	Public Works Committee Report regarding paving of portion of Moulton not within project area.
23	7/21/76	Newton Community Development Authority (NCDA) (formerly Redevelopment Authority) letter to state requesting permission to spend \$2,000 to repair upper Moulton and \$6,500 to repair middle Moulton.
24	8/18/76	Follow-up letter to state from NCDA.
25	9/16/76	Letter to NCDA from state approving expenditure of \$2,000 to repair upper Moulton and \$6,500 to repair middle Moulton.
26	10/4/76	Request from NCDA to City Engineer to prepare contract documents for repairs to upper and middle Moulton.
27	9/5/78	Letter to Board of Aldermen from NCDA regarding sale of lots on upper Moulton.
28	10/16/78	Board Order 601-78 taking lower Moulton as public way (federally-aided project).
29	10/16/78	Board Order 602-78 taking Executive Park as public way (federally-aided project).

EXHIBIT

DATE

DESCRIPTION

30

10/16/78

Board Order 603-78 taking or discontinuing various parcels of land for public way purposes (federally-aided project).

EXHIBIT 1

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.

EXHIBIT 2

100 14

URBAN RENEWAL PLAN AND REPORT

for the

LOWER FALLS PROJECT
(State-Assisted)

NEWTON, MASSACHUSETTS

Submitted by

NEWTON REDEVELOPMENT AUTHORITY

NEWTON, MASSACHUSETTS

to

DIVISION OF URBAN RENEWAL

MASSACHUSETTS DEPARTMENT OF COMMERCE AND DEVELOPMENT

BOSTON, MASSACHUSETTS

January 1968

1. Project Expenditures

The cost of relocating the residential structure from Parcel C to Parcel A is estimated to be \$6000.00.

2. Non-Cash Local Grants-In-Aid

There will not be any non-cash local grants-in-aid for site preparation activities.

III. Summary of Project Improvement Activities

A. Description of Special Project Improvement Proposals

No special project improvements are anticipated.

B. Identification, Description, Justification, Eligibility, and Cost Data for Project Improvement Activities

o Streets

For the purpose of achieving the urban renewal objectives of eliminating the blighting influence of the poorly designed and maintained street system, the following street improvements are proposed. These improvements are presented on Map 7, Street Improvements Plan.

Moulton Street

It is intended to pave the portion of this street in the project area and provide the dead-end section with a cul-de-sac designed in accordance with City standards.

Colgate Street

This street which is entirely undeveloped will be paved and provided with a cul-de-sac designed in accordance with City standards.

Vassar Street

This unimproved dead-end street will be abandoned as it will serve no function in the Urban Renewal Plan.

3. The revisionary interests in the private street have been shown on the Property Map.
4. The legal status of the streets in the Project Area have been shown on the Property Map.
5. No value has been placed on the pile of loam on Parcel C since it is anticipated the owner will remove it prior to project execution.

CODE NO. 308 LAND DISPOSAL REPORTS

1. Changes in the budget have been made for the costs of street construction assignable to Colgate Road and Moulton Street, in part as boundary streets and in part as interior streets.
2. The reuse appraisers figures have been used exactly.
3. The fact that the reuse appraisal is less than the higher acquisition appraisal is explained by the further fact that use limitations of the Plan will reduce marketability, whereas the acquisition appraisal was based on a probable zone change with less restrictive limitations.
4. The appropriate changes in Code No. 303 have been made to reflect the wording in this code.

CODE NO. 309 FINANCING REPORT

The financing report and proposed budget for the execution stage have been revised and copies forwarded to the Division of Urban Renewal for review and additional comment. Items Nos. 1 through 13 inclusive in the technical comments have been acknowledged and incorporated into the revised report and financing plan.

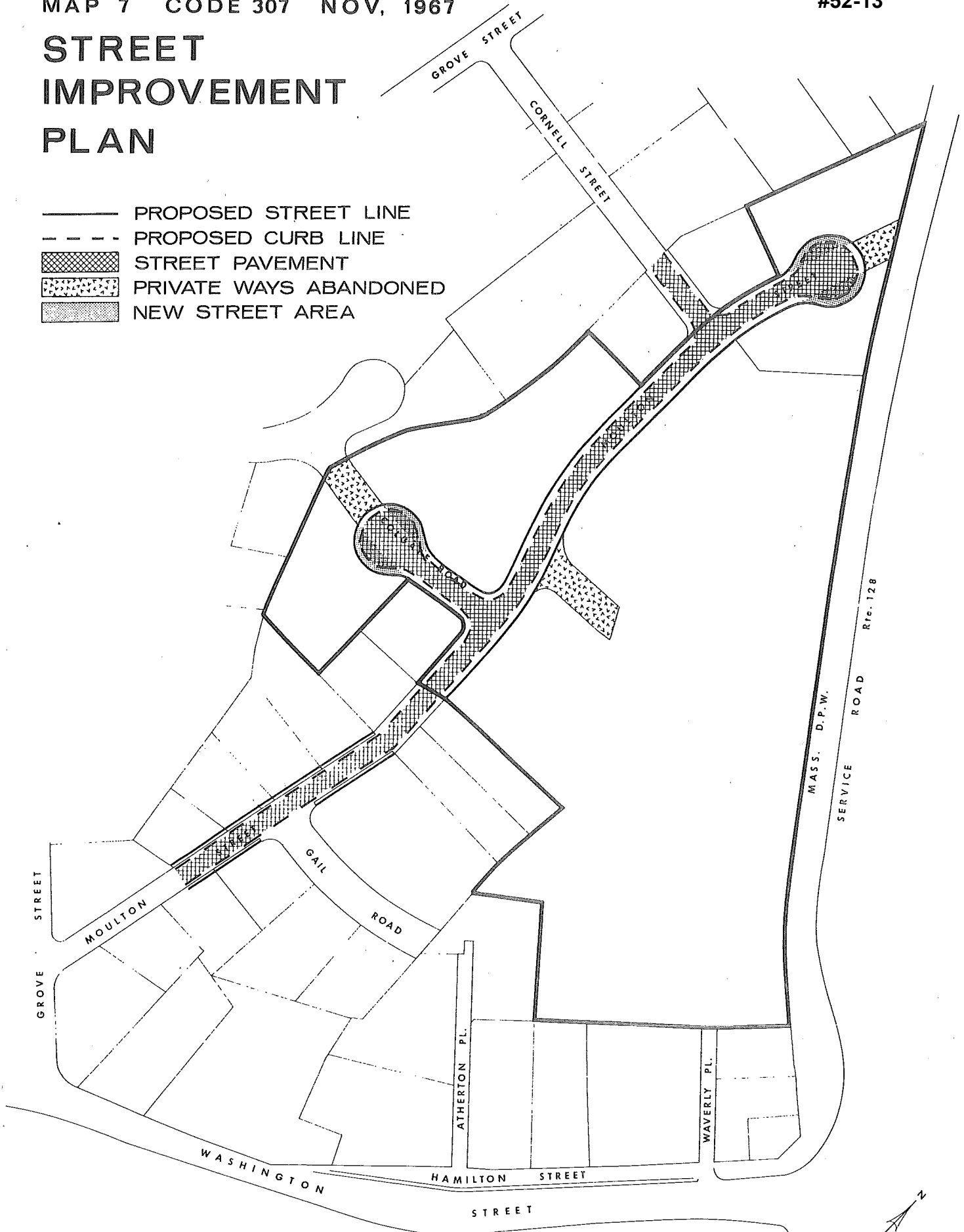
CODE NO. 310 LEGAL DATA

1. Appropriate changes in the report and plan have been made to acknowledge that the project plan in Land Assembly and Redevelopment Plan.
2. All maps are incorporated as parts of the Plan (Code No. 303).
3. Evidence of compliance of requirements for public hearings has been submitted on June 12, 1968.
4. An appropriate cooperation agreement has been prepared and submitted for review by the Division of Urban Renewal on June 12, 1968.

EXHIBIT 3

STREET IMPROVEMENT PLAN

- PROPOSED STREET LINE
- - - PROPOSED CURB LINE
- ▨ STREET PAVEMENT
- ▤ PRIVATE WAYS ABANDONED
- ▧ NEW STREET AREA



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

FEET 0 80 160 240
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

EXHIBIT 4

CITY OF NEWTONIN 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, 18 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 end 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.

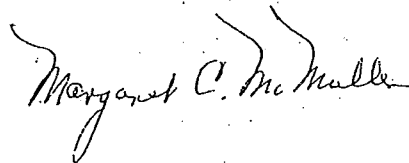
8. That the Commonwealth of Massachusetts be and they hereby are assured of full compliance by the City of Newton with regulations of the Commonwealth of Massachusetts factuating Title VI of the Civil Rights Act of 1964, as amended.

Resolution offered by Alderman Bruce
Duly Seconded

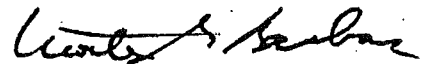
Under Suspension of Rules
Readings Waived & Resolution Adopted
22 Yeas 1 Absent 1 Vacancy
(Absent - Pres. Bauckman)

EXECUTIVE DEPARTMENT

Approved May 22, 1968



(Sgd) MARGARET C. MCMULLEN Acting
City Clerk



(Sgd) MONTE G. BASBAS 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 easterly 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 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 easterly 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 5

COOPERATION AGREEMENT

by and between

THE CITY OF NEWTON AND THE NEWTON REDEVELOPMENT AUTHORITY

THIS COOPERATION AGREEMENT, entered into as of the 3rd day of June, 1968, by and between the CITY OF NEWTON, a municipal corporation of the COMMONWEALTH OF MASSACHUSETTS (hereinafter referred to as the "City") and the NEWTON REDEVELOPMENT AUTHORITY, a public body politic and corporate created under the laws of said Commonwealth (hereinafter referred to as the "Authority")

WITNESSETH THAT:

WHEREAS, the Authority has on February 6, 1968, adopted an Urban Renewal Plan (hereinafter referred to as the "Plan") for the Newton Lower Falls Project State-aided Portion Thereof, (hereinafter referred to as the "Project"), in the City of Newton, and said Plan has been approved on May 20, 1968, by the Mayor, with the approval of the Board of Aldermen, of the City of Newton; and

WHEREAS, the Plan provides for the acquisition, demolition, and removal of structures in the Project, the installation of site improvements and public facilities and the disposition of land in the Project for uses in accordance with the Plan; and

WHEREAS, the Authority will need financial assistance from the Commonwealth of Massachusetts under Chapter 121 (ter ed), as amended, and also local grants-in-aid in order to carry out and complete the project; and

5.

total an amount in excess of one-half of said actual net project cost as so finally determined and approved, such portion of the excess as was paid in cash shall be refunded, without interest, by the Authority to the City.

8. The City, acting by its Mayor, will recommend to the proper board or officer the vacating of such streets, alleys and other public rights-of-way within the Project as may, in the judgment of the Authority, be necessary or desirable in carrying out the Plan, and the laying out as public streets or ways of all streets and ways, with their adjacent sidewalks, within the Project in accordance with the Plan; and the Authority further agrees not to sue the City for any damages incurred by reason of any such vacating or laying out; and the Authority further agrees to reimburse the City for any damages recovered by others under Chapter 79 of the General Laws of Massachusetts, as amended, by reason of such vacating or laying out.

9. The Authority recognizes that the City, in accordance with Section 26R of Chapter 121, may require payments in lieu of taxes, betterments and special assessments on all property held by the Authority as part of the Project. The City hereby agrees that if such payments are required pursuant to said Section 26R they shall not be required in excess of the amount of such payment eligible as project costs under the applicable regulations of the Division of Urban Renewal in the Massachusetts Department of Commerce and Development in effect from time to time, and further agrees that any such payments required will be

EXHIBIT 6

LAND ASSEMBLY AND
REDEVELOPMENT PLAN AND REPORT

for the

LOWER FALLS PROJECT
(State-Assisted)

NEWTON, MASSACHUSETTS

Submitted by

NEWTON REDEVELOPMENT AUTHORITY

NEWTON, MASSACHUSETTS

to

DIVISION OF URBAN RENEWAL

MASSACHUSETTS DEPARTMENT OF COMMERCE AND DEVELOPMENT

BOSTON, MASSACHUSETTS

August 1968

T A B L E O F C O N T E N T S

CODE NO. 303 LAND ASSEMBLY AND REDEVELOPMENT PLAN

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MapsExhibit A - Boundary Description

CITY OF NEWTON, MASSACHUSETTS

MAYOR

Honorable Monte G. Basbas

BOARD OF ALDERMEN

Winslow C. Auryansen	David W. Jackson
Adelaide B. Ball	Matthew Jefferson
Alan S. Barkin	Andrew J. Magni
Wendell R. Bauckman, Pres.	William P. Matthews
William L. Bruce	Joseph M. McDonnell
Eliot K. Cohen	Jason Sacks
Melvin J. Dangel	James H. Shea, Jr.
Ernest F. Dietz	Sidney T. Small
Louis I. Egelson, Jr.	Robert Tennant
Franklin N. Flaschner, Vice-Pres.	Edward C. Uehlein
George L. Hicks	Harry L. Walen
William E. Hopkins	William H. Wolf

Clerk of Board Joseph H. Karlin, City Clerk

REDEVELOPMENT AUTHORITY

Mario DiCarlo, Chairman
William A. Lincoln, Secretary
Robert C. Casselman
Earle P. Stevenson
Lawrence C. Sullivan

Kenneth H. Salk, Executive Director

CODE NO. 303LAND ASSEMBLY AND REDEVELOPMENT PLANI. Description of Project Area Boundaries

The boundaries of the project area are as shown on Map 1, Existing Land Use, and are described in Exhibit A of this section. The boundaries are also shown on Map 2, Land Use Plan, which delineates the reuse parcels.

II. Project Provisions

A. Objectives of the Plan

The objective of the Land Assembly and Redevelopment Plan is to convert a vacant and somewhat isolated piece of land into a useable tract with good accessibility, said use being primarily non-residential in character but in harmony with the residential nature of the immediate neighborhood. The intent of the Plan is to remove an eyesore and replace it with a development of real, economic and taxable value to the City. The Plan is also designed to provide proper and adequate services to the developed land at minimum cost to the community both in terms of capital investment and in terms of continuing maintenance costs.

B. Applicability of Local Codes and Ordinances

All local codes and ordinances shall be applicable to the Plan and its indicated development. The building code, wiring code, plumbing code and other related regulations shall be applicable without modification. The subdivision regulations of the Planning Board shall be applicable only to the revision of Colgate Road and the northerly end of Moulton Street. Because the large parcel in the Plan east of Moulton Street is intended to be developed as a single parcel, it will not require any new street.

The zoning ordinance as amended from time to time is applicable in all respects except for the land use and dimensional controls contained herein. The ordinance is thereby incorporated in the Plan by reference.

C. Land Use Proposals

The following land uses are part of the Land Assembly and Redevelopment Plan which is shown on Map 2, containing a delineation of the reuse parcels discussed below.

Parcel "A" which includes the vacant property on the west side of Moulton Street shall be developed for seven (7) single family dwellings on 10,000 square foot lots as required by the existing single Residence "C" District of the Newton Zoning Ordinance.

Parcel "B" which includes the property on both sides of the northerly end of Moulton Street and adjoins a Route 128 ramp shall be developed for three (3) single family dwellings on 10,000 square foot lots as required by the existing single Residence "C" District of the Newton Zoning Ordinance.

Parcel "C" which includes the remaining area within the project boundaries, fronting on the east side of Moulton Street and adjoining the rear property lines of the properties fronting on the north side of Washington Street, shall be combined with property fronting on Washington Street from the Federal Urban Renewal Project and developed as a single lot for the following types of uses:

1. Offices for professional purposes or for business purposes, excluding the retail sale of tangible personal property from a stock of goods on the premises.
2. Places of business of a bank, trust company or other banking institution.
3. Laboratory or research facilities and light manufacturing operations including assembly, finishing, or packaging of articles from prepared materials, accessory to the uses in 1 and 2 above but in no case shall the floor space devoted to the combined said facilities and operations exceed a total of fifty (50) percent of the gross floor space on the parcel.
4. Business facilities incidental to the uses in 1, 2 and 3 above and for the individual convenience of the employee such as a

news stand, barber shop, beauty parlor, restaurant, dining room and similar uses and services, providing no direct advertising to the general public is conducted for the facilities and no advertising or evidence of the existence of the facilities are visible from the outside of the building and providing that the facilities will not be available to the general public and providing further that the floor space for such facilities shall not exceed a total of five (5) percent of the gross floor space in the building to be served.

Parcel "D" includes the street area of Moulton Street and Colgate Road to serve primarily Parcels "A" and "B" and adjoining properties outside the project area.

D. Development Controls Applicable to all Parcels

No development controls are proposed for application to all of the parcels in the Land Assembly and Redevelopment Plan which are to be disposed of.

E. Development Controls Applicable to Individual Reuse Parcels

The development controls for Parcel "C" are enumerated as follows:

1. Access

- (a) Access will be provided from Washington Street through the Federally-aided Urban Renewal Area.
- (b) In the event that the Federally-aided project is not approved within two (2) years from date of approval of State-aided project, the City of Newton, with the approval of the Mayor and the Board of Aldermen, will ensure access from Washington Street through Waverly Place.

2. Floor Area Ratio

The ratio of the gross floor area of all buildings on one lot to the total area of the lot shall not exceed 0.4.

3. Setbacks

The setback lines from street lines and adjoining property lines bounding the lot shall be as follows:

- o ten (10) feet from the easterly property line abutting land of the Commonwealth of Massachusetts
- o thirty-five (35) feet from the northerly property line which abuts land (Parcel "B") to be subdivided into residential lots
- o fifty (50) feet from the easterly street line of Moulton Street
- o fifty (50) feet from the northerly property line of 49 Moulton Street
- o fifty (50) feet from the easterly property line of 49 and 45 Moulton Street and 18 Gail Road

All areas between setback lines and property and street lines shall be landscaped with shrubbery and trees and shall be maintained continuously in a sightly and well-kept condition.

4. Landscaping

Landscaping of the parcel in addition to that required in condition 3 above shall be attractively done with lawns, trees, shrubs and other appropriate plantings and shall be located and designed to reduce the extent and dimensions of paved parking areas by appropriate median strips, islands and other devices. All plantings, screening and fencing shall be maintained continuously in a sightly and well-kept condition.

5. Emergency Egress to Moulton Street

There shall be no access to Moulton Street across the setback area established along that street except that one twelve (12) foot vehicular and pedestrian right-of-way may be allowed for emergency use only.

6. Lighting

All outside lighting shall be designed, constructed and shielded so as to be inoffensive to abutting properties. No building shall be occupied until the exterior lighting of the parcel shall have been properly installed.

7. Storage of Rubbish

All rubbish, refuse and junk materials shall be stored for periodic removal inside a structure or in sightly covered containers hidden from the public view.

8. Daily Operation

Normal use of buildings or the site shall be limited to the hours between 6: 00 A.M. and 11: 00 P.M.

9. Signs

Any sign or signs shall be affixed to the face of the building or portions thereof, but in no case shall project more than three (3) feet above said building or portions thereof. No sign shall have visible moving or moveable parts nor be illuminated with flashing, animated or intermittent illumination.

No signs shall face toward Moulton Street or toward any residential area immediately adjacent to the west and north of the parcel. The gross area of all signs erected on buildings thereon shall not exceed 5% of surface area of the building elevation on which said signs are mounted.

10. Grading

The grading of Parcel "C" shall be in accordance with Map 8, Grading Plan and shall be the responsibility of the prospective developer.

F. Special Development Controls for Properties Not to be Acquired

Since all properties in the project area are to be acquired, no controls are required.

III. Project Proposals

A. Land Acquisition

1. Identification of Property to be Acquired

All properties within this project area will be acquired for clearance and redevelopment. Such properties are shown on Map 3, Property Map.

2. Identification of Excluded Properties

Not applicable. There are no excluded properties.

3. Special Condition for Acquisition of Properties Designated for Retention

Not applicable.

4. Special Condition for Retention of Properties Designated for Acquisition

Not applicable.

B. Effective Period of the Plan

The effective period of the Land Assembly and Redevelopment Plan shall be not less than forty (40) years from the date of approval of the Plan by the City of Newton.

C. Priorities to Purchase and/or Lease Project Land

A policy of priorities to purchase and/or lease project land or lots has been established by the Newton Redevelopment Authority as follows:

- a) A first preference will be given to former on-site owners who will be displaced in the state-aided and the federally-aided portions of the Newton Lower Falls Project Area.
- b) A second preference will be given to all other residential site occupants who may be displaced from the state-aided and the federally-aided portions of the Newton Lower Falls Project Area.
- c) A third preference will be given to former owners or site occupants displaced or to be displaced due to governmental action.
- d) After these preferences, the remaining sites, if any, will be offered to the general public and an announcement to that effect will be so published.

D. Obligations to be Imposed on Redevelopers

1. The regulations and controls set forth in Section II herein will be implemented, wherever applicable, by appropriate covenants or other provisions in all agreements for land disposition and conveyance executed pursuant thereto.
2. The redevelopers shall devote the land solely to the uses permitted under the zoning ordinance and specified in the Land Assembly and Redevelopment Plan. Reuse parcels are indicated on Map 4, Disposition Plan.
3. Each redeveloper shall begin and complete the development of the land for the uses required in this Plan and the construction of the improvements agreed upon in the respective land disposition contracts within a reasonable time, as determined and set forth in the contracts between the Newton Redevelopment Authority and the redevelopers.
4. The redeveloper or redevelopers of project land shall not sell, lease or otherwise transfer such land at any time prior to the completion of the redevelopment thereof without the prior written consent of the Newton Redevelopment Authority.
5. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Newton Redevelop-

ment Authority or by a redeveloper or any of his successors or assigns, whereby land in the project area is restricted upon the basis of race, creed or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants running with the land, which will prohibit any such restrictions, shall be included in the disposition instruments.

6. Site plans including landscaping and outside lighting, architectural drawings; outline specifications and schedules of materials and finishes for the construction of improvements on the land, all in sufficient detail to permit determination of compliance with the intent and controls of the Land Assembly and Redevelopment Plan and the design and character of proposed construction, shall be submitted for review and approval to the Newton Redevelopment Authority by each redeveloper prior to commencement of construction. Any material changes proposed after receipt of such approval by the Redevelopment Authority shall be similarly submitted for review and approval. As-built drawings shall also be submitted to the Redevelopment Authority after construction for final determination of compliance.
7. Construction shall begin within a reasonable period of time following the date of conveyance, in default of which the land will be recaptured by the Newton Redevelopment Authority, subject to redispisal by the Newton Redevelopment Authority to others by such means and in such manner as may be appropriate. The Newton Redevelopment Authority will take all appropriate steps to be saved harmless in case of default by the redevelopers after construction has begun.

IV. Other Provisions Necessary to Meet Commonwealth and Local Requirements

The following statement is set forth to indicate compliance with Chapter 121 of the General Laws of the Commonwealth of Massachusetts and, more particularly, Sections 26 WW to 26 BBB inclusive.

- a) Statement of Proposed Land Uses - Section II of this Land Assembly and Redevelopment Plan

- b) Proposed Land Acquisition, Demolition and Renewal of Structures - Section III of this Land Assembly and Redevelopment Plan
- c) Proposed Public, Semi-Public, Private or Community Facilities or Utilities - Section II of this Land Assembly and Redevelopment Plan
- d) Proposed New Codes and Ordinances and Amendments to Existing Codes and Ordinances - No new codes or ordinances are required to effectuate this Land Assembly and Redevelopment Plan; however, amendments to the existing zoning ordinance for part of the project area are anticipated.

V. Procedures for Changes in the Approved Plan

This Land Assembly and Redevelopment Plan may be modified at any time by the Newton Redevelopment Authority provided that, if any changes in Code No. 303, II. Project Provisions, C. Land Use Proposals and E. Development Controls Applicable to Individual Reuse Parcels are made, the same procedure as in the original adoption of the Plan is followed and provided further that, if modified after the disposition of any land in the project area, such modification must be consented to, in writing, by the purchaser or lessee of the specific property covered by the modification.

In all cases involving the modification of the Land Assembly and Redevelopment Plan, prior concurrence of the Massachusetts Department of Commerce and Development shall be obtained.

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 on an 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 southerly 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 554, 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 line of Waverly Place; thence along a line to the northeast corner of 15 Hamilton Place; thence along the northerly line of 15 Hamilton Place to the northwest corner of said property; thence northerly along the easterly 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 Gail 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.

CODE NO. 303

Lower Falls Project
Newton, Mass.

MAP 1 CODE 302 NOV. 1967

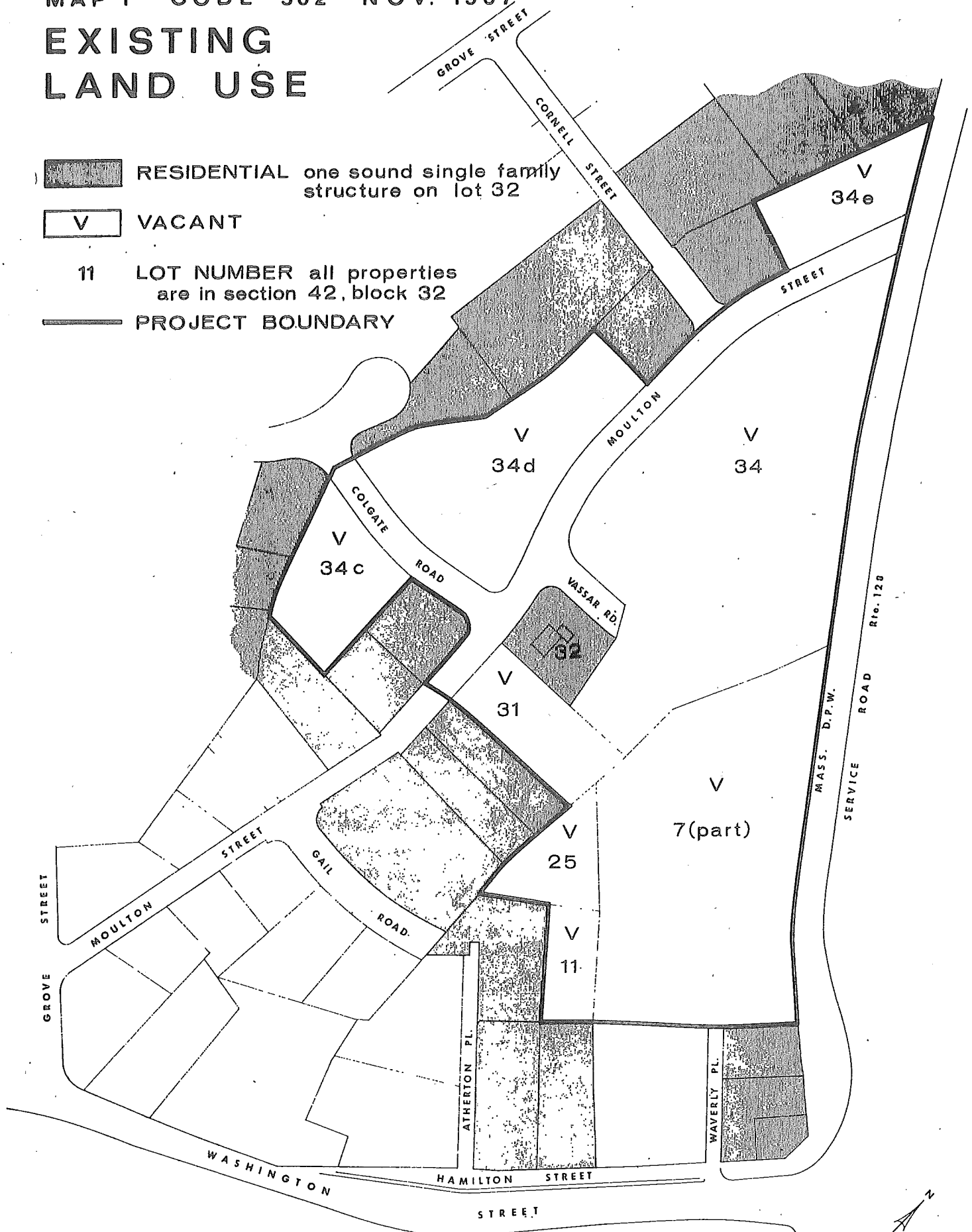
EXISTING LAND USE

 RESIDENTIAL one sound single family structure on lot 32

 VACANT

11 LOT NUMBER all properties are in section 42, block 32

 PROJECT BOUNDARY





LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.

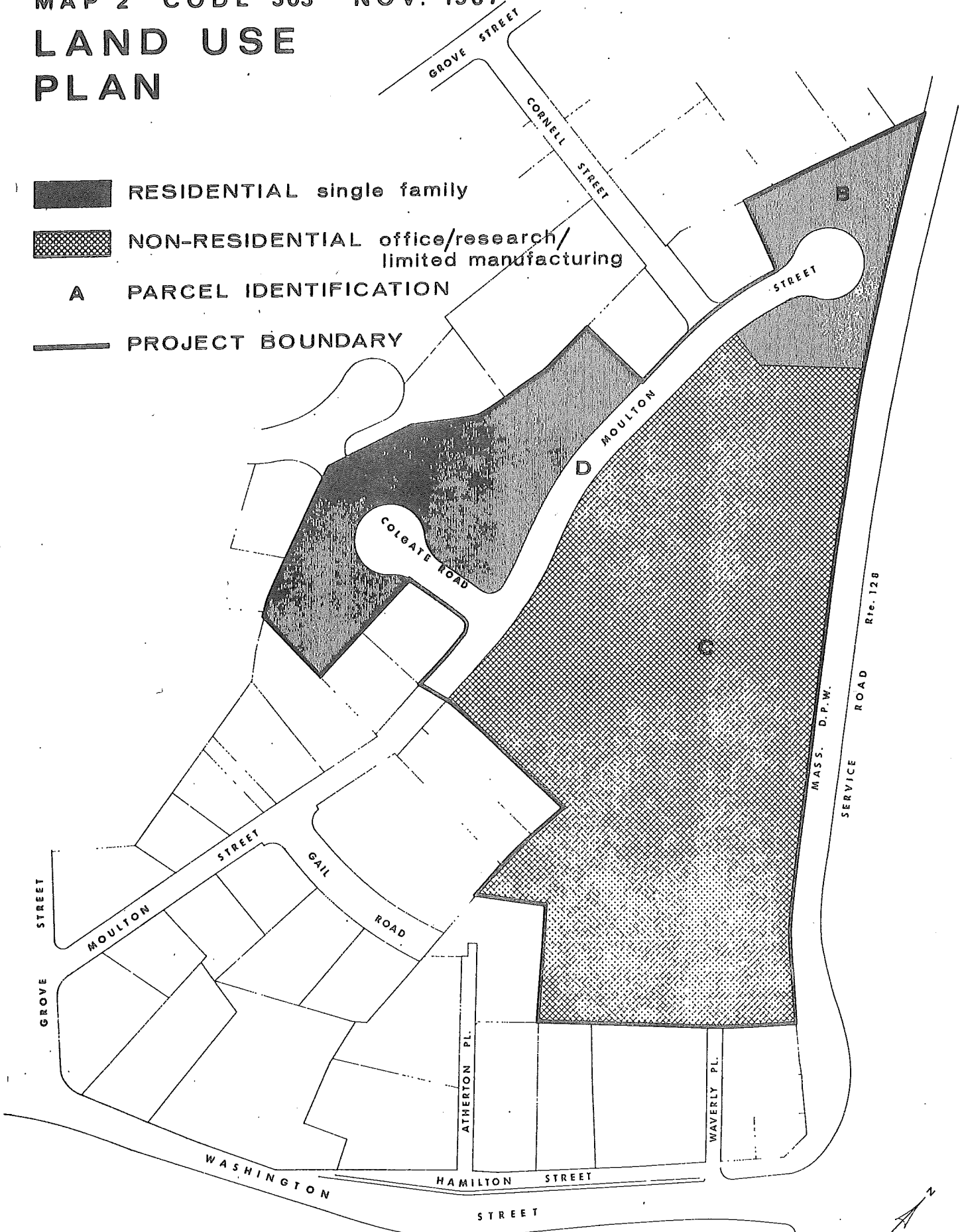


BASE MAP PREPARED BY NEWTON ENGINEERING DEPARTMENT

MAP 2 CODE 303 NOV. 1967

LAND USE PLAN

-  RESIDENTIAL single family
-  NON-RESIDENTIAL office/research/
limited manufacturing
- A PARCEL IDENTIFICATION
- PROJECT BOUNDARY



LOWER FALLS PROJECT STATE-ASSISTED

REDEVELOPMENT AUTHORITY - NEWTON, MASS.



CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

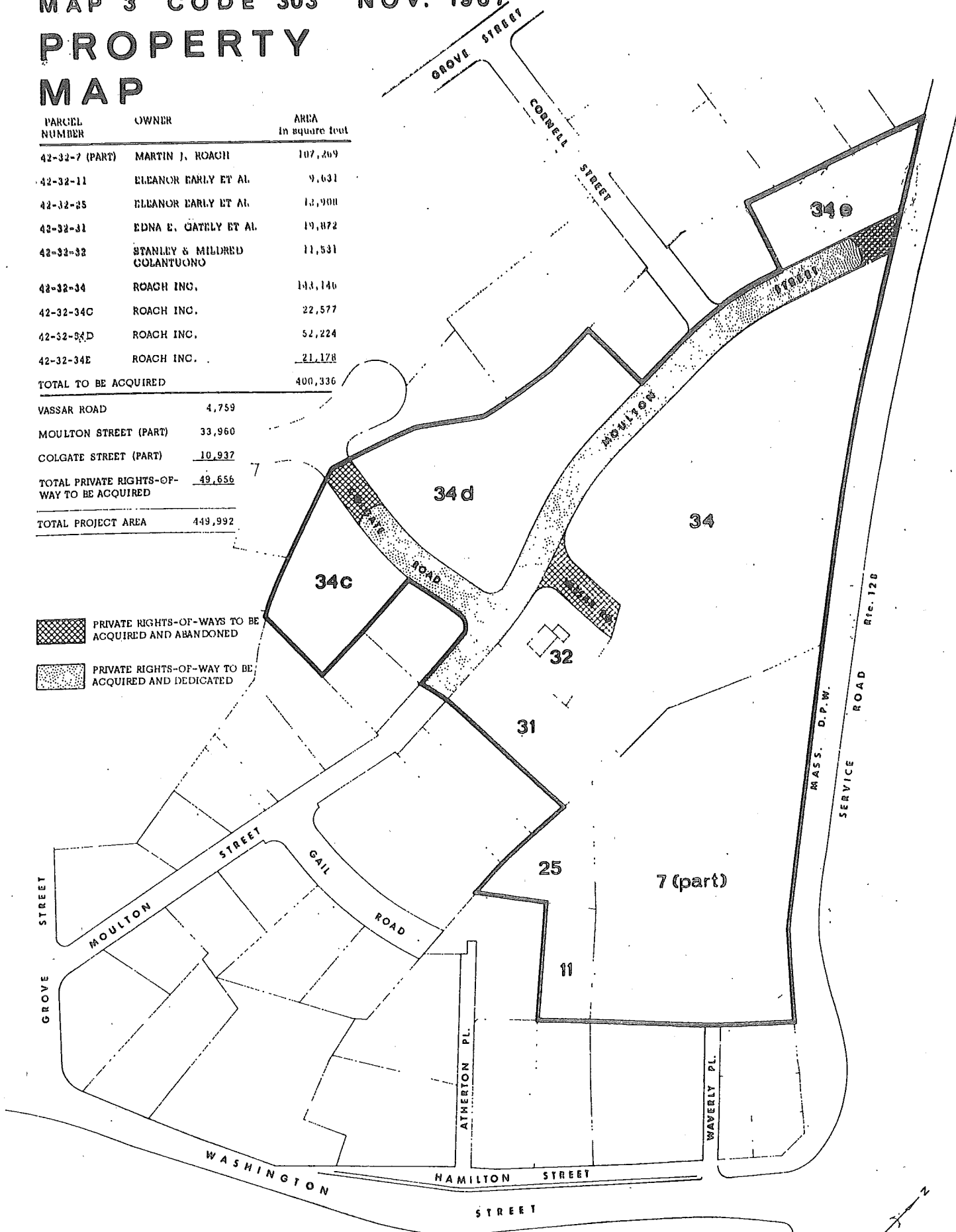


BASE MAP PREPARED BY NEWTON ENGINEERING DEPARTMENT

MAP 3 CODE 303 NOV. 1967 PROPERTY MAP

PARCEL NUMBER	OWNER	AREA In square feet
42-32-7 (PART)	MARTIN J. ROACH	107,209
42-32-11	ELEANOR EARLY ET AL.	9,631
42-32-25	ELEANOR EARLY ET AL.	13,900
42-32-31	EDNA E. GATELY ET AL.	19,072
42-32-32	STANLEY & MILDRED COLANTUONO	11,531
42-32-34	ROACH INC.	143,140
42-32-34C	ROACH INC.	22,577
42-32-34D	ROACH INC.	52,224
42-32-34E	ROACH INC.	21,178
TOTAL TO BE ACQUIRED		400,336
VASSAR ROAD	4,759	
MOULTON STREET (PART)	33,960	
COLGATE STREET (PART)	10,937	
TOTAL PRIVATE RIGHTS-OF- WAY TO BE ACQUIRED	49,656	
TOTAL PROJECT AREA	449,992	

-  PRIVATE RIGHTS-OF-WAYS TO BE ACQUIRED AND ABANDONED
-  PRIVATE RIGHTS-OF-WAY TO BE ACQUIRED AND DEDICATED



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

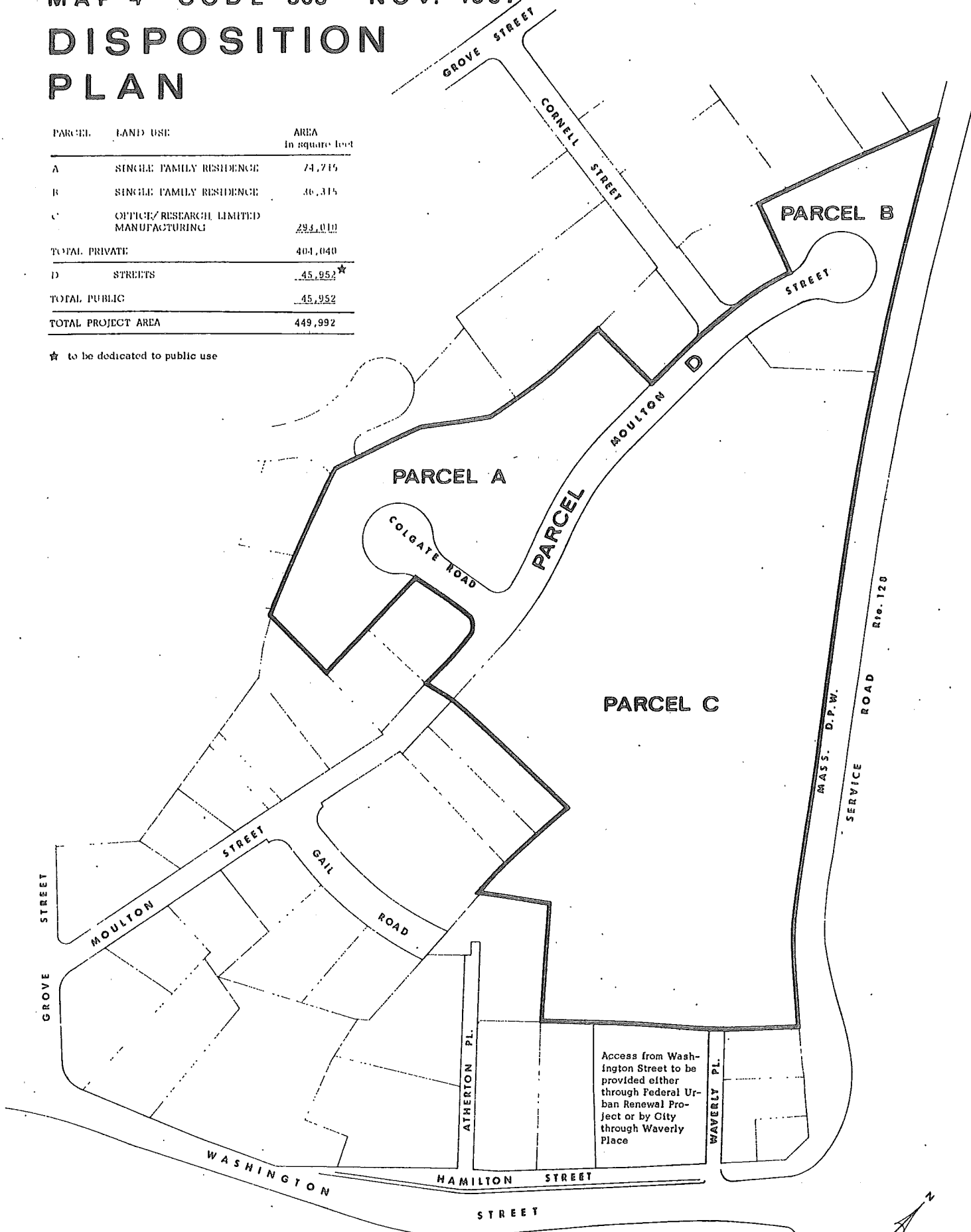
BASE MAP PREPARED BY NEWTON
ENGINEERING DEPARTMENT

MAP 4 CODE 303 NOV. 1967

DISPOSITION PLAN

PARCEL	LAND USE	AREA In square feet
A	SINGLE FAMILY RESIDENCE	74,715
B	SINGLE FAMILY RESIDENCE	36,315
C	OFFICE/RESEARCH LIMITED MANUFACTURING	294,010
TOTAL PRIVATE		404,040
D	STREETS	45,952 [★]
TOTAL PUBLIC		45,952
TOTAL PROJECT AREA		449,992

★ to be dedicated to public use





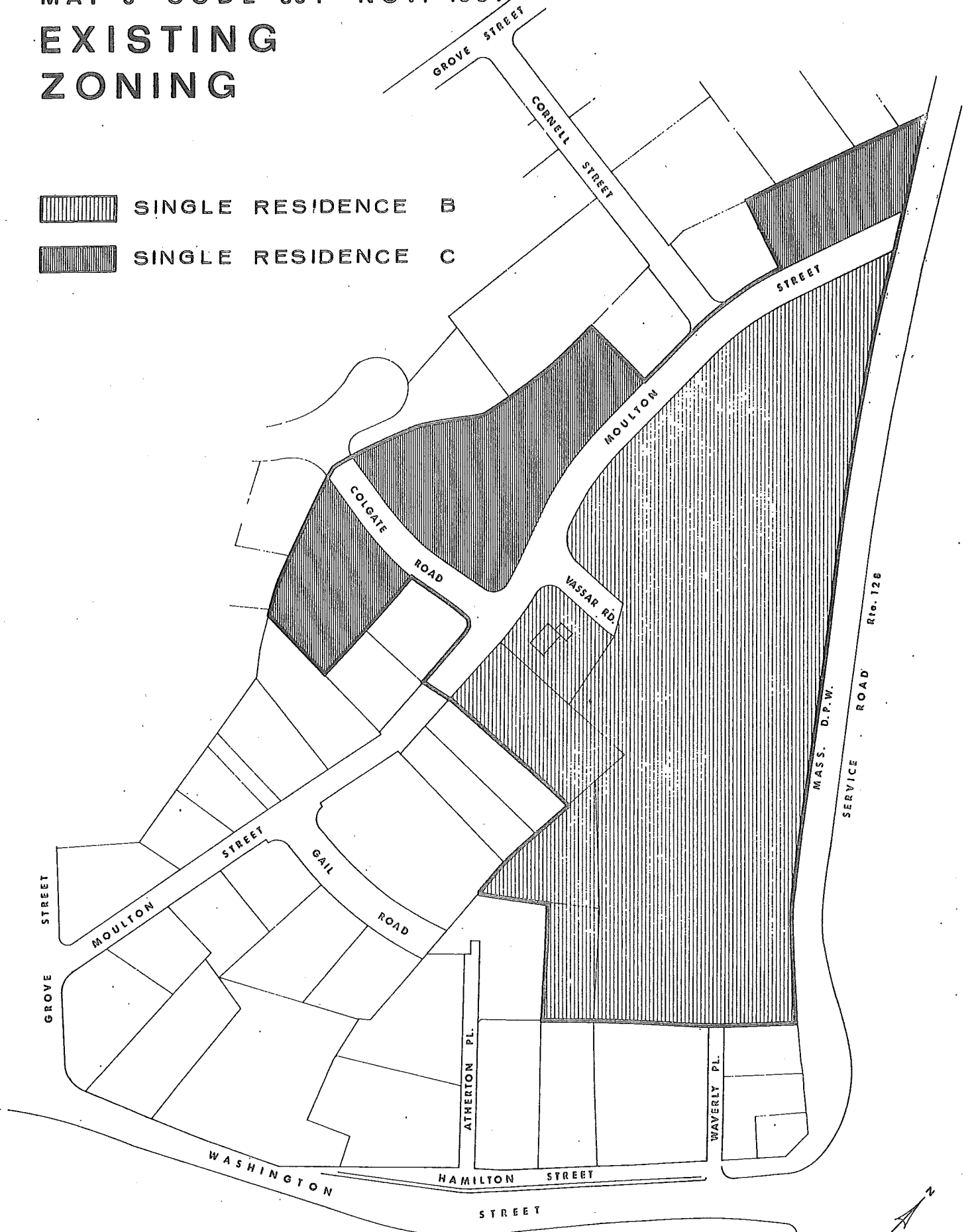
LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

MAP 5 CODE 304 NOV. 1967

EXISTING ZONING

-  SINGLE RESIDENCE B
-  SINGLE RESIDENCE C



LOWER FALLS PROJECT STATE-ASSISTED



REDEVELOPMENT AUTHORITY - NEWTON, MASS.

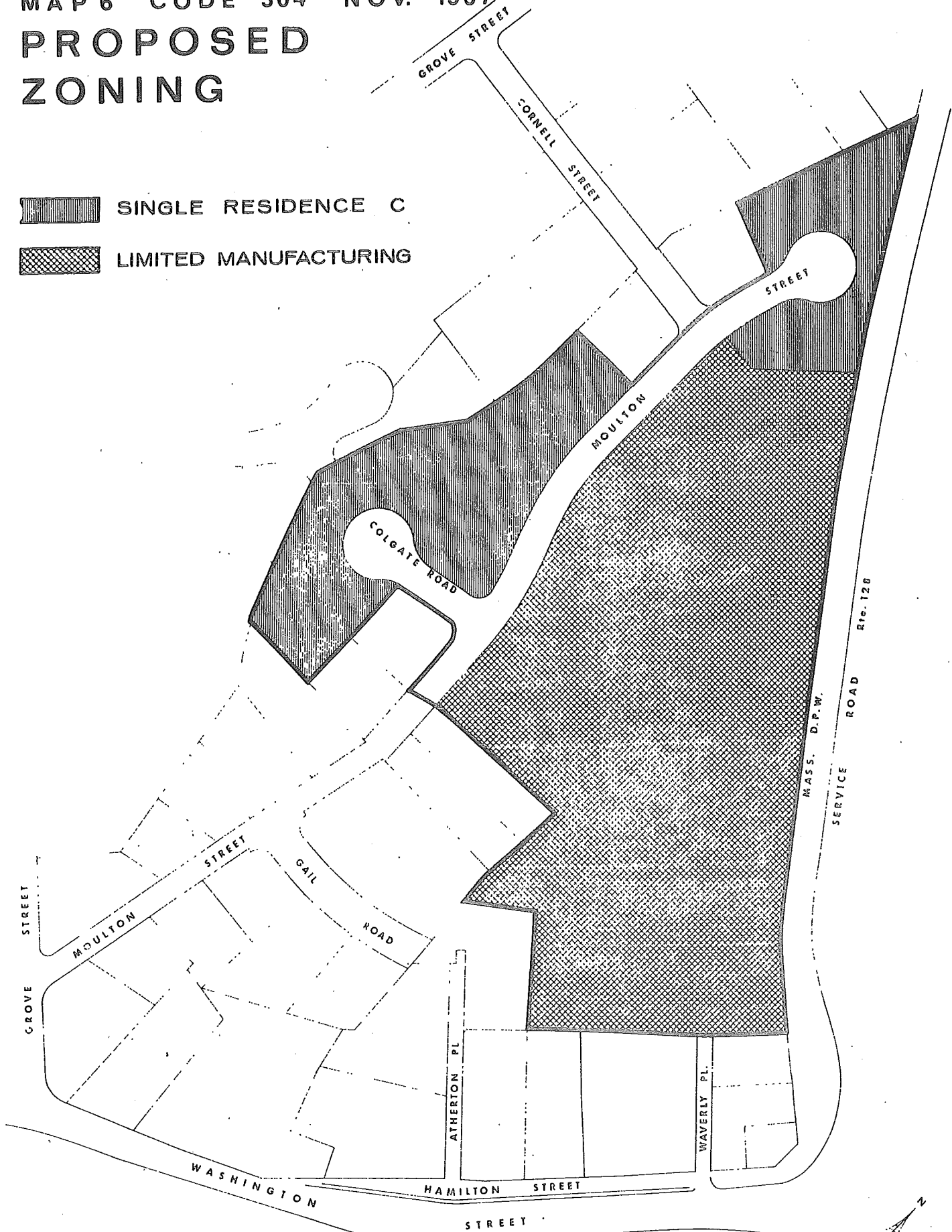
CHARLES E. ROWNE PLANNING CONSULTANT NEWTON, MASS.



BASE MAP PREPARED BY NEWTON ENGINEERING DEPARTMENT

PROPOSED ZONING

-  SINGLE RESIDENCE C
-  LIMITED MANUFACTURING

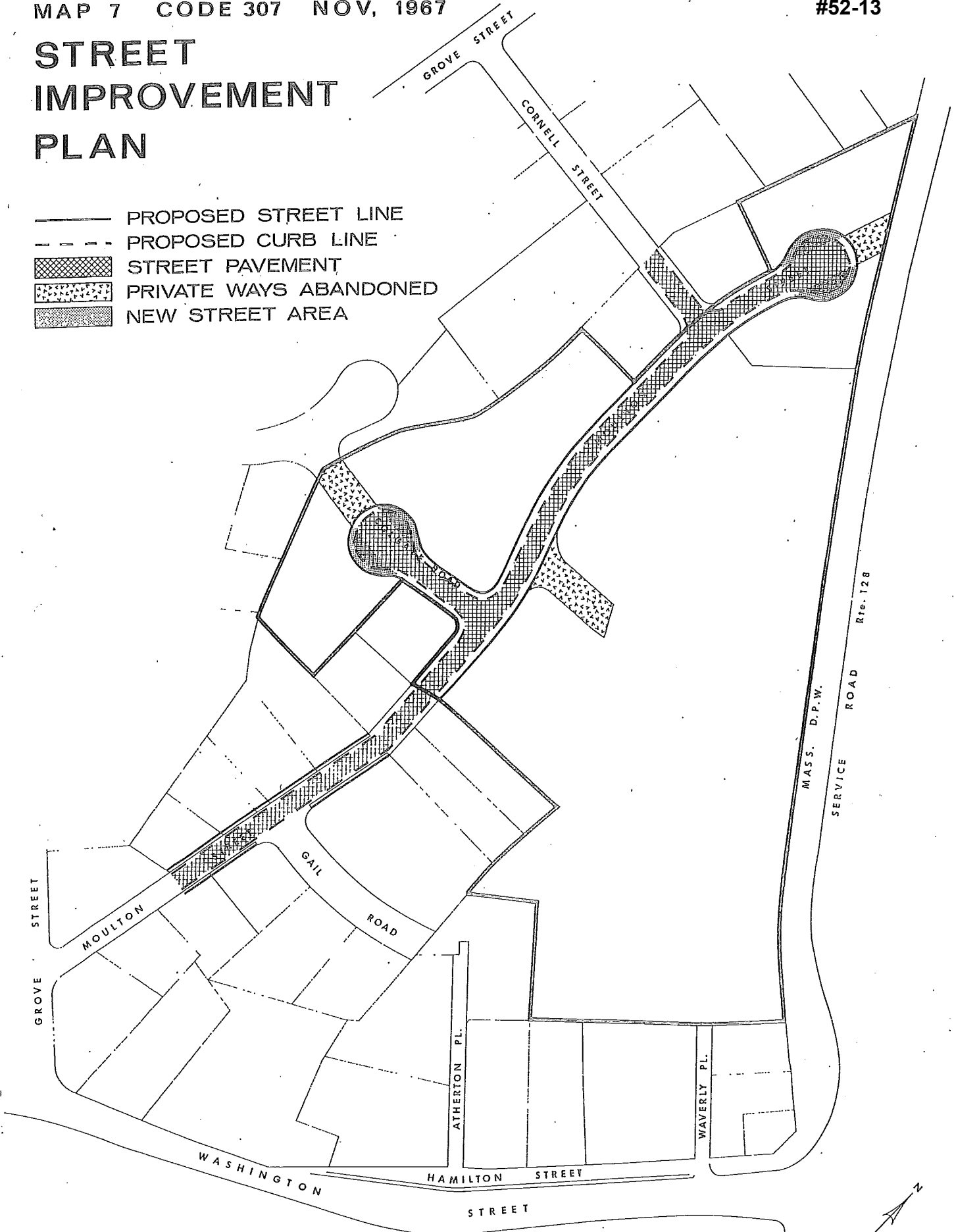


LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

FEET 0 60 120 240
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

STREET IMPROVEMENT PLAN

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

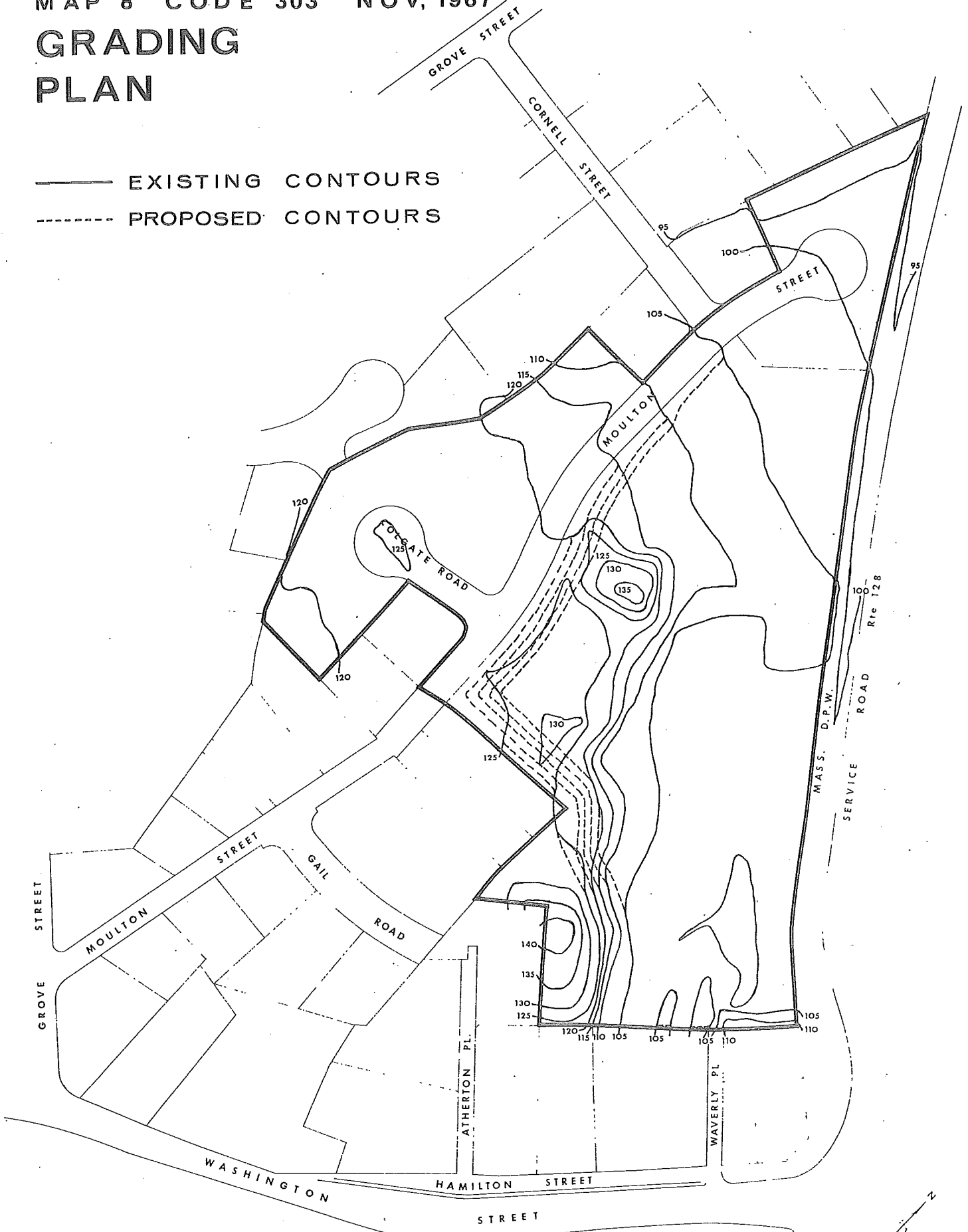


LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

FEET 0 80 160 240
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

GRADING PLAN

——— EXISTING CONTOURS
 - - - - - PROPOSED CONTOURS

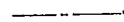
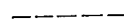
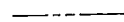


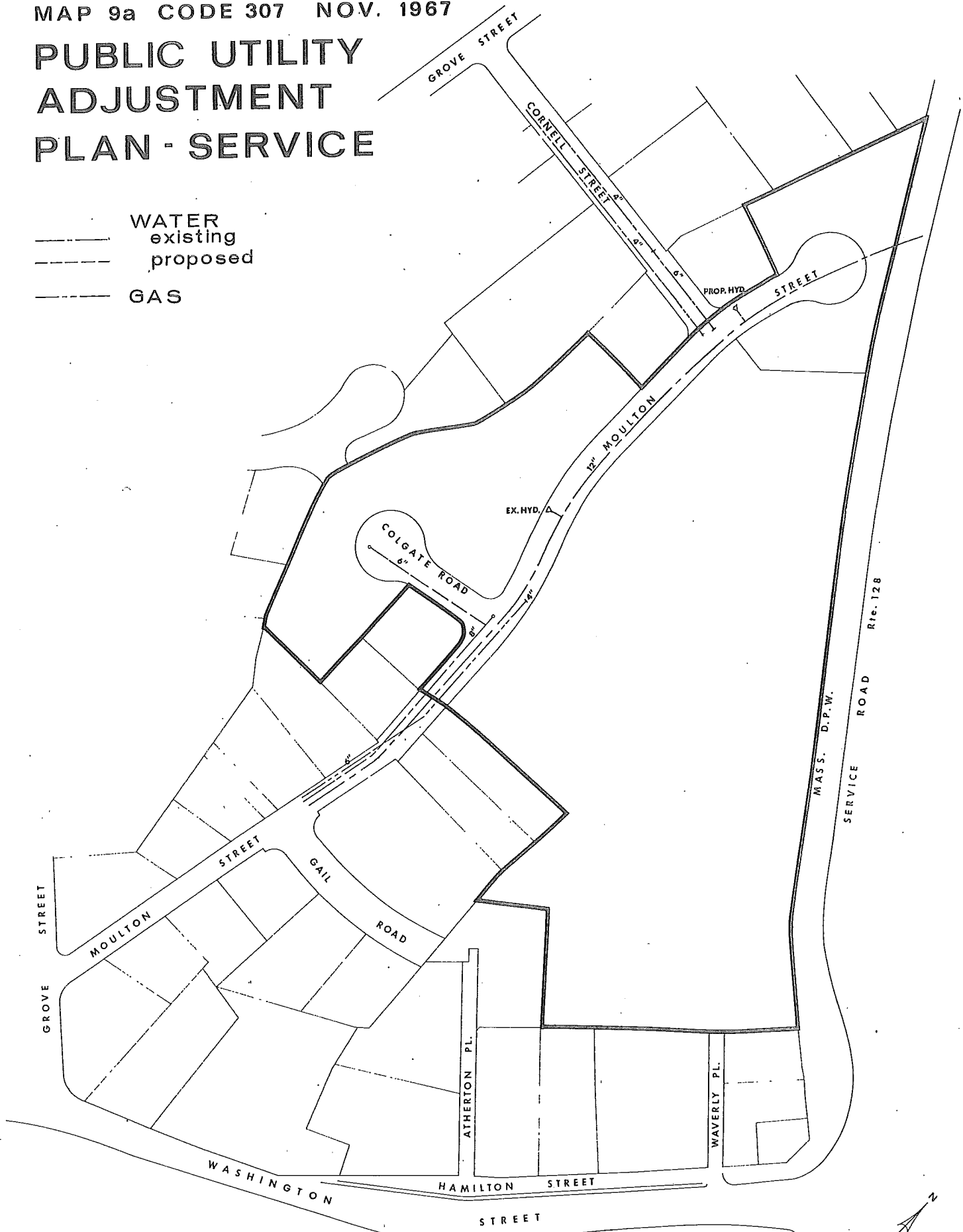
LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

FEET 0 80 160 2'
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

MAP 9a CODE 307 NOV. 1967

PUBLIC UTILITY ADJUSTMENT PLAN - SERVICE

 WATER existing
 WATER proposed
 GAS



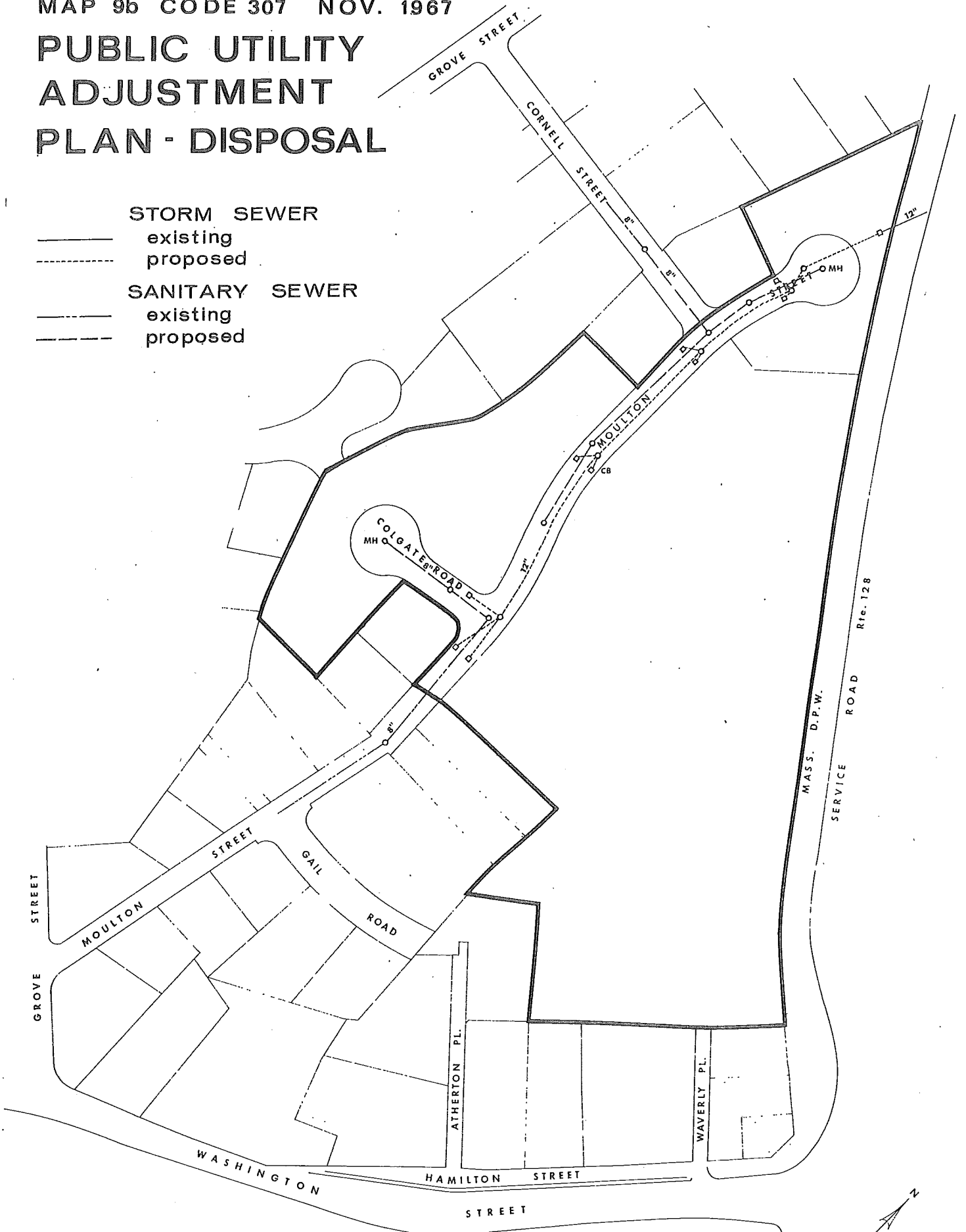
LOWER FALLS PROJECT STATE-ASSISTED
REDEVELOPMENT AUTHORITY - NEWTON, MASS.
 CHARLES E. DOWNE PLANNING CONSULTANT NEWTON, MASS.

FEET 0 80 160 2
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

MAP 9b CODE 307 NOV. 1967

PUBLIC UTILITY ADJUSTMENT PLAN - DISPOSAL

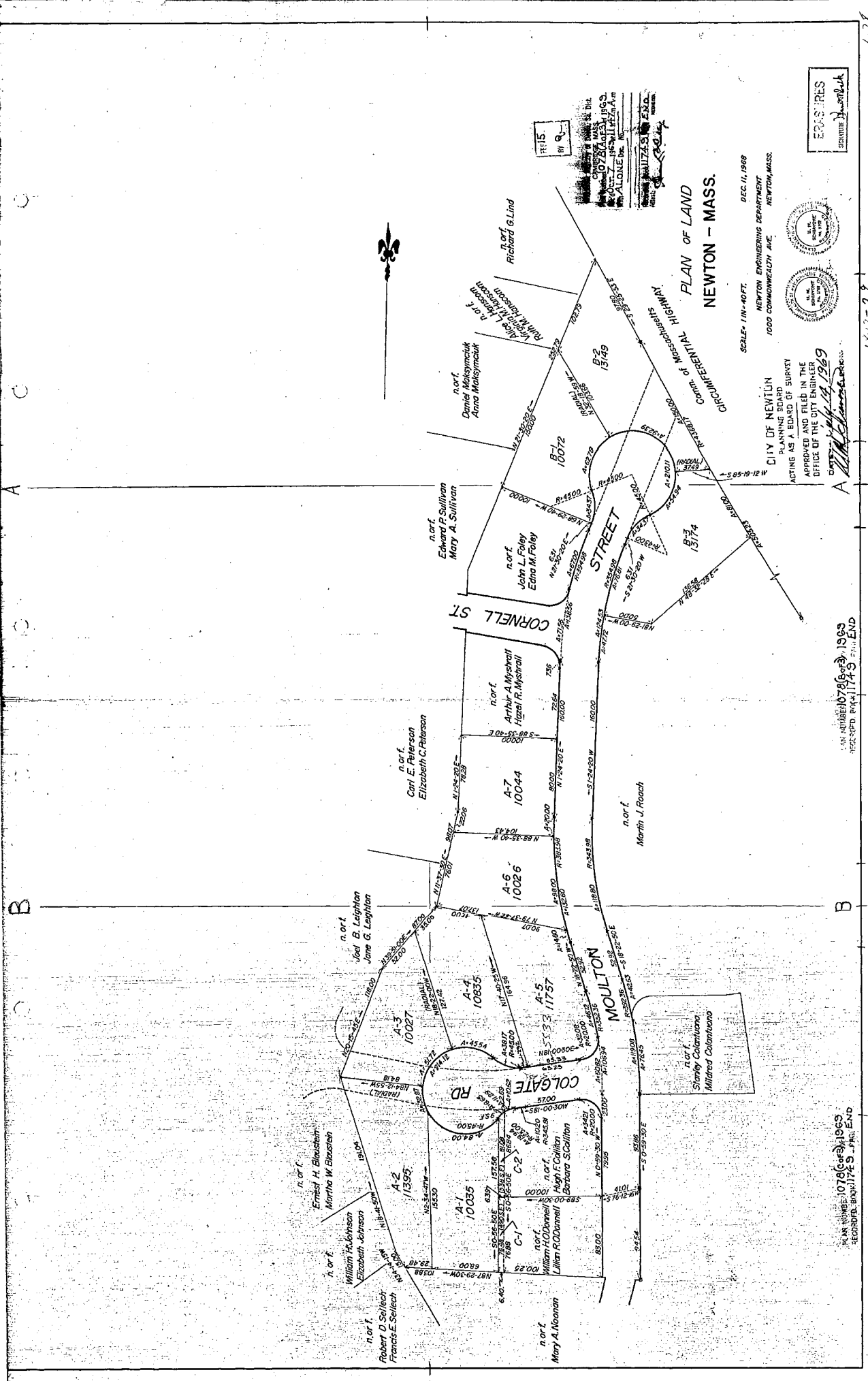
- STORM SEWER
- existing
- - - proposed
- SANITARY SEWER
- existing
- - - proposed



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

FEET 0 80 160 240
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

EXHIBIT 7



PLAN OF LAND
NEWTON - MASS.

SCALE: 1" = 40 FT.
DEC. 11, 1968
NEWTON ENGINEERING DEPARTMENT
1000 COMMONWEALTH AVE.
NEWTON, MASS.



CITY OF NEWTON
PLANNING BOARD
ACTING AS A BOARD OF SURVEY
APPROVED AND FILED IN THE
OFFICE OF THE CITY ENGINEER
DATE: DEC 11 1968

RECORDED BOOK 1745 PAGE 11
11-27

PLAN NUMBER: 1078 (68-3) 1968
RECORDED BOOK 1745 PAGE 11

PLAN NUMBER: 1078 (68-3) 1968
RECORDED BOOK 1745 PAGE 11

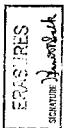


EXHIBIT 8

COMMONWEALTH OF MASSACHUSETTS
Department of Commerce and Development
Division of Urban Renewal

Project Locality Newton, Mass.

Project Name Lower Falls

Application for PROJECT EXECUTION

Project No. _____

Date Received (to be filled in by D.U.R.)

Instructions: Prepare original and 4
conformed copies for D.U.R., place
original in Binder No. 1 and copies
in Binders No. 2,3,4 & 5

(A) Corporate Name of Applicant Newton Redevelopment Authority

(B) Submission

Initial Application

Revision of Previously Approved Application dated _____ 19____
for Purpose of:

Amendatory Changes
(boundaries or others, explain)

Change in Project Cost

(C) Existing State Authorizations

Estimated survey and planning cost for this project in accordance with the
most recent approved survey and planning budget No. _____
approved by D.U.R. on August 16, 1966 \$41,200

(D) Application

The applicant hereby applies to the Commonwealth of Massachusetts for the
financial assistance under the provisions of Chapter 121 Section 26GGG
and 26HHH to aid in the financing of the project described in this application.

(E) The documents submitted in support of this application shall be considered
as part of this application

(F) Estimated completion date of project execution stage.

September, 1970

URBAN RENEWAL PLAN

I. Description of Project Area Boundaries

The boundaries of the project area are as shown on Map I, Existing Land Use, and are described in Exhibit A of this section. The boundaries are also shown on Map 2, Land Use Plan which delineates the reuse parcels.

II. Project Provisions

A. Objectives of the Plan

The objective of the urban renewal plan is to convert a vacant and somewhat isolated piece of land into a useable tract with good accessibility, said use being primarily non-residential in character but in harmony with the residential nature of the immediate neighborhood. The intent of the plan is to remove an eyesore and replace it with a development of real, economic and taxable value to the City. The plan is also designed to provide proper and adequate services to the developed land at minimum cost to the community both in terms of capital investment and in terms of continuing maintenance costs.

B. Applicability of Local Codes and Ordinances

All local codes and ordinances shall be applicable to the plan and its indicated development. The building code, wiring code, plumbing code and other related regulations shall be applicable without modification. The subdivision regulations of the Planning Board shall be applicable only to the revision of Colgate Road and the northerly end of Moulton Street. Because the large parcel in the plan east of Moulton Street is intended to be developed as a single parcel, it will not require any new street. The zoning ordinance and map will be amended in order to provide for the new non-residential development for Parcel C and to alter the zone of a portion of Parcel B from Single Residence B to Single Residence C. Existing and proposed zoning are shown on Maps 5 and 6 and respectively discussed in Code No. 304.

C. Land Use Proposals

The following land uses are part of the urban renewal plan which is shown on Map 2, containing a delineation of the reuse parcels discussed below.

Parcel "A" which includes the vacant property on the west side of Moulton Street shall be developed for seven (7) single family dwellings on 10,000 square foot lots as required by the existing Residence "C" District of the Newton Zoning Ordinance.

Parcel "B" which includes the property on both sides of the northern end of Moulton Street and adjoins a Route 128 ramp shall be developed for three (3) single family dwellings on 10,000 square foot lots as required by the existing Residence "C" District of the Newton Zoning Ordinance.

Parcel "C" which includes the remaining area within the project boundaries, fronting on the east side of Moulton Street and adjoining the rear property lines of the properties fronting on the north side of Washington Street, shall be combined with property fronting on Washington Street from the Federal Renewal Project and developed as a single lot for the following types of uses:

1. Offices for professional purposes or for business purposes, excluding the retail sale of tangible personal property from a stock of goods on the premises.
2. Places of business of a bank, trust company or other banking institution.
3. Laboratory or research facilities and light manufacturing operations including assembly, finishing, or packaging of articles from prepared materials, accessory to the uses in 1 and 2 above but in no case shall the floor space devoted to the combined said facilities and operations exceed a total of fifty (50) percent of the gross floor space on the parcel.
4. Business facilities incidental to the uses in 1, 2 and 3 above and for the individual convenience of the employee such as a

CODE NO. 303

Page 2 of 9

Lower Falls Project
Newton, Mass.

news stand, barber shop, beauty parlor, restaurant, dining room and similar uses and services, providing no direct advertising to the general public is conducted for the facilities and no advertising or evidence of the existence of the facilities are visible from the outside of the building and providing further that the floor space for such facilities shall not exceed a total of five (5) percent of the gross floor space in the building to be served.

Parcel "D" includes the street area of Moulton Street and Colgate Road to serve primarily Parcels "A" and "B" and adjoining properties outside the project area.

D. Development Controls Applicable to all Parcels

No development controls are proposed for application to all of the parcels in the urban renewal plan which are to be disposed of.

E. Development Controls Applicable to Individual Reuse Parcels

The development controls ~~(which are proposed)~~ for Parcel "C" are enumerated as follows:

1. Floor Area Ratio

The ratio of the gross floor area of all buildings on one lot to the total area of the lot shall not exceed 0.4.

2. Setbacks

The setback lines from street lines and adjoining property lines bounding the lot shall be as follows:

- o ten (10) feet from the easterly property line abutting land of the Commonwealth of Massachusetts
- o thirty-five (35) feet from the northerly property line which abuts land (Parcel "B") to be subdivided into residential lots
- o fifty (50) feet from the easterly street line of Moulton Street

- o fifty (50) feet from the northerly property line of 49 Moulton Street
- o fifty (50) feet from the easterly property line of 49 and 45 Moulton Street and 18 Gail Road

All areas between setback lines and property and street lines shall be landscaped with shrubbery and trees in accordance with condition (c) below and shall be maintained in a sightly condition.

3. Landscaping

Landscaping of the parcel including the type, location, dimensions and treatment of all plant materials, screening and fencing shall be carried out in accordance with the details of a Landscape Plan which is hereby declared to be a part of the Urban Renewal Plan.

4. Emergency Egress to Moulton Street

There shall be no access to Moulton Street across the setback area established along that street except that one twelve(12) foot vehicular and pedestrian right-of-way may be allowed for emergency use only.

5. Lighting

All outside lighting shall be designed, constructed and shielded so as to be inoffensive to abutting properties. No building shall be occupied until the exterior lighting of the lot as specified on the Landscape Plan referred to in condition (c) shall have been properly installed.

6. Storage of Rubbish

All rubbish, refuse and junk materials shall be stored for periodic removal inside a structure or in sightly covered containers hidden from the public view.

7. Daily Operation

Normal use of buildings or the site shall be limited to the hours between 6:00 A. M. and 11:00 P.M.

close proximity to Route 128. It is pointed out that the requirements of screening, access, bulk, and off-street parking and loading facilities will render this parcel compatible with the surrounding area.

B Proposed Regulations, Controls or Restrictions

The land use provisions and building requirements for the redevelopment area (see Code No. 304) control the use and intensity of use of each parcel, as well as the bulk, parking and loading requirements.

C. Modification of Rights-of-Way

The modification of existing major streets will create a more efficient circulation system for vehicular traffic within and in the vicinity of the urban renewal area, as well as convenient access to the reuse parcels. The particular modifications are fully discussed in the Project Improvements Report, Code No. 307.

D. Excluded Parcels

All properties within the perimeter boundary of the Urban Renewal Area are included in the Urban Renewal Area.

E. Properties Not to be Acquired

All properties in the Urban Renewal Area are to be acquired.

F. Adequacy of Existing-to-Remain and Proposed Facilities

1. Commercial Facilities

Commercial facilities which will serve the Urban Renewal Area are discussed in an earlier section of this report.

2. Community Facilities

Existing and proposed community facilities within and surrounding the Urban Renewal Area will be adequate to serve the area. These facilities, including both public and private, are shown on Map 1, Existing Land Use,

CODE NO. 307

PROJECT IMPROVEMENTS REPORT

I. Design Standards

A. Description of Design Standards Used

The design standards used for all project improvements are in accordance with the formal and informal standards used by the Department of Public Works and the Board of Survey of the City of Newton.

B. Conformance to Local Standards

Design standards conform to the local standards of the Department of Public Works and the Board of Survey of the City of Newton.

C. Justification for the Use of Higher Standards

Design standards for all project improvements will not be higher than local standards

II. Summary of Site Preparation Activities

A. Description of Special Site Preparation Proposals

No unusual site preparation activities are anticipated.

B. Identification, Description, Justification, Eligibility and Cost Data for Site Clearance Activities

Site clearance activities involve only the relocation of one residential structure from reuse Parcel C to reuse Parcel A. The justification for the relocation of this structure is that it is being moved from a non-residential reuse parcel to a residential parcel. Moreover, the structure is worth preserving as it is in sound condition and its relocation would be in keeping with the City's relocation policy of displacement with a minimum of hardship to site occupants (CODE NO. 306).

1. Project Expenditures

The cost of relocating the residential structure from Parcel C to Parcel A is estimated to be \$

2. Non-Cash Local Grants-In-Aid

There will not be any non-cash local grants-in-aid.

III. Summary of Project Improvement Activities

A. Description of Special Project Improvement Proposals

No special project improvements are anticipated.

B. Identification, Description, Justification, Eligibility, and Cost Data for Project Improvement Activities

o Streets

For the purpose of achieving the urban renewal objectives of eliminating the blighting influence of the poorly designed and maintained street system, the following street improvements are proposed. These improvements are presented on Map 7, Street Improvements Plan.

Moulton Street

It is intended to pave the portion of this street in the project area and provide the dead-end section with a cul-de-sac designed in accordance with City standards.

Colgate Street

This street which is entirely undeveloped will be paved and provided with a cul-de-sac designed in accordance with City standards.

Vassar Street

This unimproved street will be closed as it will serve no function in the Urban Renewal Plan.

- o Curbs and Sidewalks

Curbs and sidewalks will be provided wherever necessary in accordance with City standards in order to create adequate drainage, pedestrian circulation, and access to and from the proposed reuse parcels. The specific locations of these improvements are delineated on Map 7, Street Improvements Plan. The design standards are those in the subdivision regulations adopted by the Board of Survey of the City.

- o Street Name Signs

Street name signs of a clear and uniform nature will be provided for all street intersections within the project area.

- o Water Distribution System

The water distribution system proposed to serve the project area is indicated on Map 9a, Public Utility Adjustments Plan-Service.

- o Storm Sewer System

The Urban Renewal Plan will improve the drainage of the project area as it provides for a storm sewer system which will adequately drain the area and the proposed street improvements. The proposed storm sewer system is delineated on Map 9b, Public Utility Adjustments Plan-Disposal. The design standards are those used by the City.

- o Sanitary Sewer System

Additions to the existing sanitary sewer system are proposed in Colgate Road, Moulton Street and Cornell Street. These proposed improvements are shown on Map 9b, Public Utility Adjustments Plan-Disposal,

- o Trees

All streets within the urban renewal area will have trees in keeping with the design standards of the City. The proposed

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Lower Falls Project

Newton, Mass.

trees are to be deciduous, which will provide shade in the summer, permit sunlight in the winter, and generally upgrade the appearance of the urban renewal area.

1. Project Expenditures

Not applicable. All project improvements costs are anticipated to be non-cash local grants-in-aid.

2. Non-Cash Local Grants-In-Aid

The costs of project improvements outlined above will be counted as a non-cash local grants-in-aid and are estimated in Exhibit "A" of this section.

C. Eligibility of Project Improvements of Excess Size or Capacity

Credit is claimed for 100% of all project improvements since such improvements will be made for the benefit of the renewal area.

D. Assurance of Availability of Necessary and Related Off-Site Public Improvements

Off-site public improvements concerning street and related improvements are planned for the adjacent federally-aided renewal area. Tentative assurance of the availability of these improvements is given by the Department of Housing and Urban Development through its approval of the survey and planning application for the federal project. Any necessary sewer and water connections and street improvements to provide continuity of service to the renewal area will be a responsibility of the City.

EXHIBIT "A"

PROJECT IMPROVEMENTS - COST ESTIMATE

The cost estimates for the project improvements have been prepared by the Engineering Department of the City. There were 49 different construction items used in the computations for which quantities were scaled from the survey sheets (1" = 20' and 1" = 40') prepared by the Department or from profiles and preliminary engineering designs. City construction standards were used throughout. The unit prices were based on actual figures compiled by the Department for similar construction during 1967. The prices were adjusted slightly upward assuming construction in the project area to be accomplished during 1968.

Street construction (including grading, drainage, catchbasins, 24-foot width of Type I pavement, curbs, sidewalks and trees)

Moulton Street (900 feet with turnaround)	\$53,000
Colgate Road (170 feet with turnaround)	11,000
Cornell Street (100 feet)	4,500
Moulton Street (308 feet - widening)	16,900

Sewer construction (including man holes, connections and 8" V.C. pipe)

Moulton Street (480 feet)	21,000
Colgate Road (170 feet)	7,100
Cornell Street (145 feet)	7,100

Water installation (including hydrants and connections)

Colgate Road (200 feet)	3,500
-------------------------	-------

SUMMARY

Moulton Street	\$74,000
Colgate Road	21,600
Cornell Street	11,600
Moulton Street (widening)	16,900

LAND DISPOSAL REPORTS

I. Explanation of Differences between Appraiser's Estimates and LPA Estimates

Not applicable. No differences are anticipated. The tabulation of land disposal is submitted as Exhibit "A" of this section.

II. Project Improvements by Developer

All site clearance work and the construction of permanent project improvements shall be the responsibility of the Newton Redevelopment Authority and not the responsibility of the redeveloper of each parcel. However, the following temporary improvements will be required by developers.

a. Temporary Peripheral Street Lighting

The redeveloper, without expense to the City, shall install and maintain temporary street lighting within the project area.

b. Sewer and Utility Easement and Protection

In the erection of any structures over any facilities, sewers and utilities to be operated and maintained by the City or a public utility company, the redeveloper, without expense to the City, shall make provisions for the protection of such facilities, sewers and utilities.

III. Land Disposition Policy Statement

a. Project land will be made available for redevelopment in separate parcels, as shown on Map 4, Disposition Plan. Each of such parcels shall be sold in the following manner:

1) Parcels A and B for residential reuse shall be sold separately or shall be subdivided and sold by lots by negotiation to redevelopers organized to construct single family housing units.

2) Parcel C for commercial and light industrial reuse shall be sold to a redeveloper by negotiation.

- 3) Parcel D will be dedicated solely for street use.

The Newton Redevelopment Authority will retain no rights in project land that is sold for redevelopment, other than rights to enforce agreements of covenants requiring the development and use of the land in accordance with the conditions and restrictions of the Urban Renewal Plan and the Contracts of Sale entered into between the Newton Redevelopment Authority and the redevelopers, which contracts shall first have been submitted to and approved by the Department of Commerce and Development.

The sale of land in the project area will be conditioned on the development and use thereof in conformity with the Urban Renewal Plan. The purchasers will be required to submit evidence of qualifications and financial responsibility, and such other information in detail as may be required by the Newton Redevelopment Authority.

- b. Land to be sold by negotiation shall be at prices not less than the minimum approved by the Department of Commerce and Development.
- c. The Newton Redevelopment Authority will submit the disposition agreements to the Department of Commerce and Development for its approval.
- d. Speculation in land holding will be prevented through the use of restrictions in the sale agreements specifying that the land cannot be sold or transferred at a profit until completion of the project. The redevelopers will be required to begin and complete construction within times specified in the respective Disposition Contracts.
- e. The Newton Redevelopment Authority shall obligate redevelopers, or their successors or assigns, by deed or contract containing restrictive covenants running with the land, or by other appropriate means to:
 - 1) Use and devote such real property only for the purposes and in the manner stated in the Plan;
 - 2) Comply with such terms and conditions relating to the use and maintenance of such real property as are necessary to carry out the provisions of the Plan;

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Page 2 of 5
Lower Falls Project
Newton, Mass.

DATA SUPPORTING EXHIBIT "A"

PROJECT COST ESTIMATE AND FINANCING PLAN

Line A-4. Project or Site Improvements (Non-cash Local Grants-in-Aid)

Improvement of Moulton Street	\$85,100	100%	\$85,100
including installation of utilities			
Improvement of Colgate Road	\$24,800	100%	\$24,800
including installation of utilities			
	<u>\$109,900</u>		<u>\$109,900</u>

Line A-5. Public and Supporting Facilities (Non-cash Local Grants-in-Aid)

Improvement of Cornell Street	\$13,400	100%	\$13,400
Widening of Moulton Street	\$19,500	100%	\$19,500
	<u>\$32,900</u>		<u>\$32,900</u>

Line A-9. Sale Price of Project Land to be Sold

Based on the reuse appraisal the total estimated proceeds from the sale
of the land are

\$506,515

EXHIBIT 9

IN 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 renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid 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 approval include findings by the governing body that: (1) the financial aid 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 for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Newton Redevelopment Authority (hereinafter called the "Authority") has entered into a planning contract for financial assistance under such Act with the United States of America, acting by 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 location, 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 Area 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, physically deteriorated, obsolete, or in need of major maintenance or repair, in addition to the lack of off-street loading and parking facilities which hamper effective fire fighting, 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 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, 1969 and consisting of a table of contents, 35 pages of text, 3 exhibits, 5 maps, adopted by the Authority on August 12, 1969 and hereinafter called the "Plan", supported by the following supplementary material, data, and recommendations which material, data, and recommendations are not part of said Plan: Relocation Report (Code No. R-223) and Project Area Report (Code No. R-212); 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 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, among 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 mains and other public facilities, and other public action; and

WHEREAS, there have also been presented to the Governing Body information 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 data 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 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 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 that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed 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 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 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 (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 for 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 the objectives of the Urban Renewal Plan cannot be achieved through more extensive rehabilitation of the Project Area.

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

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

6. 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 area and facilities, as 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 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 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 reference 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 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 end 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 local grant-in-aid in accordance with Title I of the Housing Act of 1949, as amended, and in accordance with the loan and grant contract to be entered into by and between the Authority and the United States of America, which local grants-in-aid are to equal at least one third of the actual net project 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 such Act, 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 necessary to enable the land in the Project area to be renewed in accordance with the said Plan for the Project area and, accordingly, the filing by the Authority of an application or applications 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 be and they hereby are assured of full compliance by the City of Newton with regulations of the Secretary of the United States Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964.

EXHIBIT "A"BOUNDARY DESCRIPTION

Beginning at the intersection of the southerly street line of Washington Street and the westerly street line of Wales Street; thence southwesterly 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 Wellesley); thence southwesterly, 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 easterly along a line at right angles to the center line of Grove Street to the easterly street line of Grove Street; thence southerly along said street line to a 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 line 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 southwesterly along said line to a property line between 9 and 15 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 easterly 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.

CERTIFICATE OF RECORDING OFFICER
FOR
CITY OF NEWTON

The undersigned hereby certifies that:

1. He is the duly qualified and acting City Clerk of the City of Newton, Massachusetts, (hereinafter called the "Locality") and the custodian of the records of the Locality, including the journal of the proceedings of the Newton Board of Aldermen, (hereinafter called the "Governing Body"); and is duly authorized to execute this certificate.
2. Attached hereto is a true and correct copy of a resolution, including the WHEREAS clauses, adopted at a meeting of the Governing Body held on the 29th day of September 1969 (hereinafter called the "Resolution of the Governing Body").
3. Also attached hereto is a true and correct copy of the Urban Renewal Plan, which has been previously approved by the Newton Redevelopment Authority as evidenced by a duly certified resolution of that body attached to said Plan, presented at said meeting, and approved by the Resolution of the Governing Body.
4. The Resolution of the Governing Body has been duly recorded in the journal of said meeting and is now in full force and effect.
5. Said meeting was duly convened and held in all respects in accordance with law and the bylaws of the Locality. To the extent required by law or said bylaws, due and proper notice of said meeting was given. A legal quorum of members of the Governing Body was present throughout said meeting and a legally sufficient number of members of the Governing Body voted in the proper manner for the adoption of the Resolution of the Governing Body. All other requirements and proceedings under law, said bylaws, or otherwise, incident to proper adoption of the Resolution of the Governing Body, including any publication, if required by law, have been duly fulfilled, carried out, and otherwise observed.
6. If the seal appears below, it constitutes the official seal of the Locality and was duly affixed by the undersigned at the time this certificate was signed. If no seal appears below, the Locality does not have and is not legally required to have an official seal.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this

29th day of September, 1969.



Signature of Recording Officer

Asst. City Clerk

Title of Recording Officer

September 29, 1969

WHEREAS the Board of Aldermen has given its approval to the execution of the federally aided Urban Renewal Project in Newton Lower Falls; and

WHEREAS that project contemplates the taking by eminent domain of seven single family owner-occupied residences and seven non-owner occupied multi-family residences containing up to twenty-five tenants; and

WHEREAS the compensation available to the seven owners occupying said single family homes is governed by matters of law, federal policy and the administration of the Newton Redevelopment Authority, and the relocation plans and services available for said tenants are similarly matters of law, policy and administration.

IT IS HEREBY RESOLVED by this Board of Aldermen that if said project is accepted by the Federal Government and placed in execution, this Board:

(1) Shall take whatever steps are necessary to investigate and be informed as to the fairness of the total compensation awarded to each of the seven owners of single family residences to be acquired under said project and as to the adequacy of the relocation plans and services offered to the tenants in the non-owner multi-family residences to be taken; and

(2) To the extent permitted by law and in accordance with the procedures for appropriations by the city of Newton, shall cause to be appropriated such sums as may be necessary in the discretion of the Board to augment any award to an owner of one of the owner-occupied residences and any plans or services to a tenant of one of the non-owner multi-family residences, where it appears to the Board that the maximum amount of any award or any relocation plan or service pursuant to the applicable laws and policies as administered by the Newton Redevelopment Authority is unfair and creates undue hardship.

(3) And That this resolution be submitted to His Honor the Mayor for his comments and that His Honor the Mayor be requested to obtain an opinion from City Solicitor concerning legal effects of this resolution.

Submitted by: City Planning Committee

Under Suspension of Rules
Readings Waived & Approved
20 yeas 2 nays 2 absent
Nay: Ald. McDonnell and Shea
Absent: Ald. Auryansen and
Uehlein

EXECUTIVE DEPARTMENT

Approved October 1, 1969

(Sgd) Joseph H. Karlin City Clerk

(Sgd) Monte G. Basbas Mayor

A TRUE COPY
ATTEST.
Margaret C. McMullen
Clerk CITY CLERK OF NEWTON, MASS.

CITY OF NEWTON

IN BOARD OF ALDERMEN

September 29, 1969

ORDERED:

That the construction of any housing necessary for relocation of any resident who wishes to relocate in the Federally-aided Newton Lower Falls Urban Renewal Project area shall be completed before the resident is required to move from his present location.

Motion by Alderman Jefferson
Seconded by Alderman Egelson

Under Suspension of Rules
Readings Waived & Approved
19 yeas 2 nays 3 absent
Nay: Ald. Dangel and Jackson
Absent Ald. Auryansen, Magni
and Uehlein

EXECUTIVE DEPARTMENT

Approved October 1, 1969

(Sgd) Joseph H. Karlin City Clerk

(Sgd) Monte G. Basbas Mayor

A TRUE COPY

ATTEST:

Margaret A. Mc Mullin

Asst

CITY CLERK OF NEWTON, MASS.

APPROVAL OF THE MAYOR OF THE CITY OF NEWTON

URBAN RENEWAL PLAN

NEWTON LOWER FALLS URBAN RENEWAL AREA

PROJECT NO. MASS. R-122

As Mayor of the City of Newton acting pursuant to authorization by the Board of Aldermen of the City of Newton, I hereby approve the Urban Renewal Plan for the Newton Lower Falls Urban Renewal Project dated January, 1969 which has been duly approved by the Newton Redevelopment Authority on August 12, 1969 and subsequently approved by the Board of Aldermen of the City of Newton on September 29, 1969, for the Newton Lower Falls Urban Renewal Area, Project No. Mass. R-122 in the City of Newton, Massachusetts as described therein.

Given at Newton, Massachusetts, this 2nd day of October, 1969.

(SEAL)

City of Newton

Monte G. Basbas
Monte G. Basbas
Mayor

Certified:

Margaret C. McMullen
~~JOSEPH XXXXX~~ MARGARET C. McMULLEN
Asst. City Clerk

EXHIBIT 10

COOPERATION AGREEMENT

by and between

THE

CITY OF NEWTON AND THE NEWTON REDEVELOPMENT AUTHORITY

THIS COOPERATION AGREEMENT, entered into as of the 2nd day of October, 1969, by and between the CITY OF NEWTON, a municipal corporation of THE COMMONWEALTH OF MASSACHUSETTS (hereinafter referred to as the "City") and the NEWTON REDEVELOPMENT AUTHORITY, a public body politic and corporate created under the laws of said Commonwealth (hereinafter referred to as the "Authority")

WITNESSETH THAT:

WHEREAS, the Authority has on August 12, 1969 adopted an Urban Renewal Plan (hereinafter referred to as the "Plan") for the Newton Lower Falls Urban Renewal Project No. Mass. R-122, as amended, (hereinafter referred to as the "Project"), in the City of Newton, and said Plan has been approved on September 29, 1969, by the Mayor, with the approval of the Board of Aldermen, of the City of Newton; and

WHEREAS, the Plan provides for the acquisition, demolition, and removal of structures in the Newton Lower Falls Urban Renewal Area (hereinafter referred to as the "Urban Renewal Area"), the installation of site improvements and public facilities and the disposition of land in the Urban Renewal Area for uses in accordance with the Plan; and

actual net project cost as so finally determined and approved; and if upon such final determination and approval, the local grants-in-aid theretofore made to the Project shall total an amount in excess of one-third of said actual portion of the excess as was paid in cash shall be refunded, without interest, by the Authority to the City.

8. The City, acting by its Mayor, will recommend to the proper board or officer the vacating of such streets, alleys and other public rights-of-way within the Urban Renewal Area as may, in the judgment of the Authority, be necessary or desirable in carrying out the Plan, and the laying out as public streets or ways of all streets and ways, with their adjacent sidewalks, within the Urban Renewal Area in accordance with the Plan; and the Authority further agrees not to sue the City for any damages incurred by reason of any such vacating or laying out; and the Authority further agrees to reimburse the City for any damages recovered by others under Chapter 79 of the General Laws of Massachusetts, as amended, by reason of such vacating or laying out.

9. The Authority recognizes that the City, in accordance with Section 26R of Chapter 121, may require payments in lieu of taxes, betterments and special assessments on all property held by the Authority as part of the Project. The City hereby agrees that if such payments are required pursuant to said Section 26R, they shall not be required in excess of the amount of such payment eligible as project costs under the applicable regulations of the Secretary

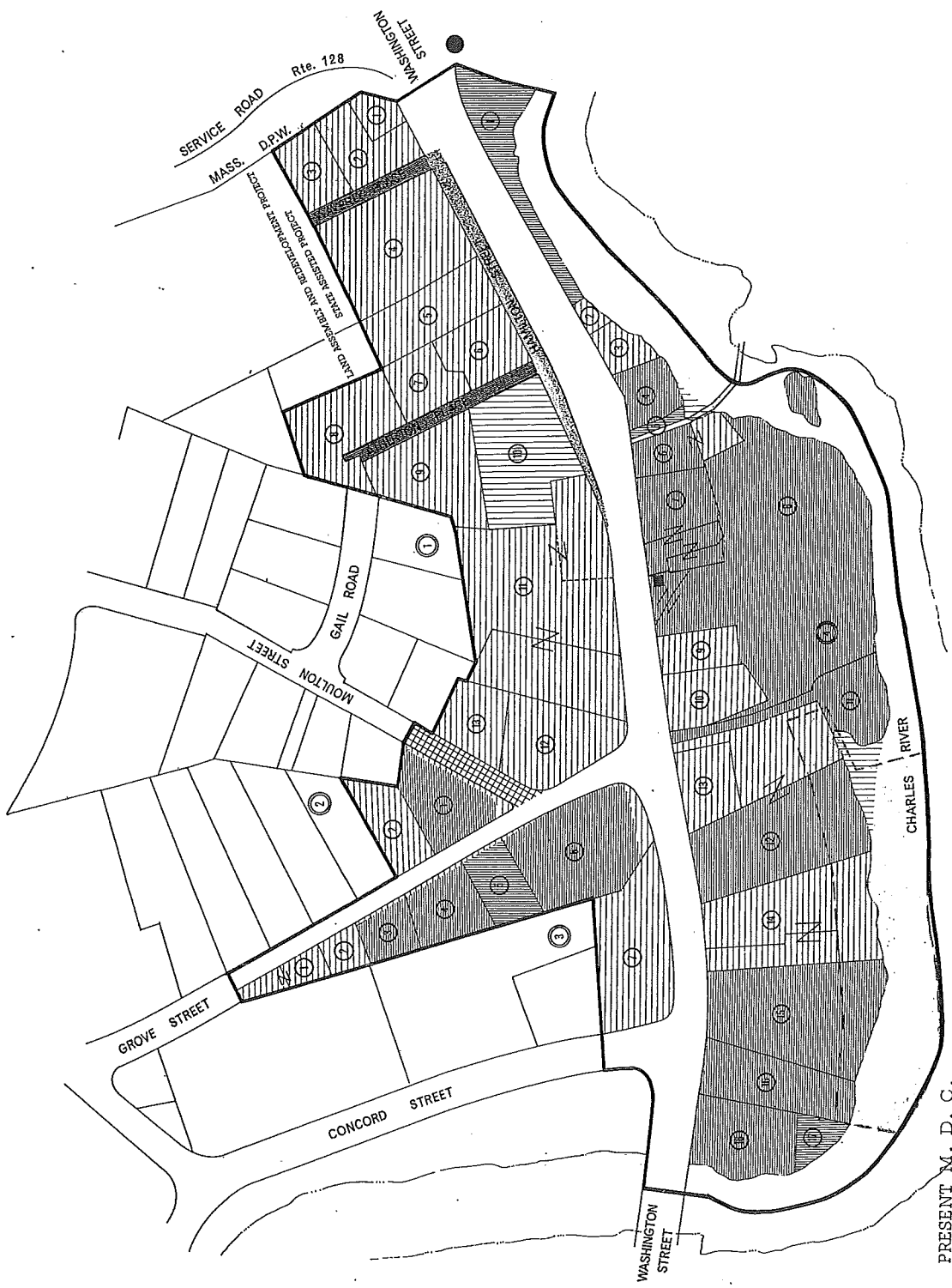
EXHIBIT 11

-  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 REDEDICATED
-  ONLY BUILDINGS TO BE ACQUIRED
-  PROJECT BOUNDARY
-  COMMENCEMENT OF BOUNDARY DESCRIPTION

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



NEWTON REDEVELOPMENT AUTHORITY
 NEWTON MIDDLESEX COUNTY MASSACHUSETTS
**LOWER FALLS URBAN
 RENEWAL PROJECT**
 C. E. DOWNE PLANNING CONSULTANT NEWTON, MASS.



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.

EXHIBIT 12

PROJECT IMPROVEMENT REPORT

Proposals for project improvements serving the project area were developed in consultation with the staff of the Engineering Department of the City of Newton. The design and material standards for all proposed project improvements shall conform with the local standards of the City of Newton.

All project improvements proposed at this time are described herein, including the basis of eligibility claimed. Unit costs, and the percentage of eligibility claimed are detailed on the attached Exhibit A.

A. PROPOSED STREET IMPROVEMENTS

All streets within the project area are to be affected in one of two ways, either improved or abandoned. Street rights-of-way to be retained and widened and to be abandoned are shown on Map No. 7, "Street Improvements," which is submitted as part of the Urban Renewal Plan.

1. Washington Street

Washington Street is the principal street serving the project area. The present width of the street is not adequate to serve the project area properly, since it varies from 55 feet at its easterly end near Route 128, to its narrowest dimension of 45 feet at its center point and then to 60 feet at its westerly end at the Charles River/Wellesley Town Line. Both the right-of-way width and the pavement width vary irregularly throughout its length.

Washington Street will be realigned in order to reduce the curvature in the road at the easterly end. In addition, Washington Street will be widened to a uniform width of 74 feet which will provide two moving lanes in each direction as well as an additional turning lane within a 10-foot median strip. The controls in the Urban Renewal Plan will prohibit on-street parking. Sidewalks and curbing will be provided as part of the 74 foot right-of-way.

The portion of Washington Street from the easterly boundary of the project west to Concord Street is an interior street and contemplated improvements are deemed to be 100% eligible and are estimated to cost \$183,343. Estimated traffic controls during construction are estimated to cost \$45,000 making a total of \$228,343 allocated 100% to this project. The boundary portion of Washington Street from

Concord Street west to the westerly project boundary will require only a resurface treatment at an estimated total cost of \$862 of which 50% or \$431 is allocated to this project.

2. Moulton Street

Moulton Street between Grove Street and Gail Road has a present right-of-way width of 30 feet. From Grove Street to the end of the project the right-of-way will be widened to 40 feet. Outside the project area Moulton Street will also be widened in order to provide a uniform width throughout the entire length of the street including that portion in the State Land Assembly and Redevelopment Project. A 5 foot sidewalk and curbing will be developed on both sides of Moulton Street.

A portion of this street, 170 feet, is an interior street and is computed at 100% credit. The estimated cost is \$14,202 as detailed in Appendix A. The other portion, 30 feet, is a boundary street for which 50% credit is requested at an estimated total cost of \$2,270 or \$1,135 which is also detailed in Exhibit A.

3. Grove Street

Grove Street presently has a right-of-way width of 26 feet. It is proposed to widen this street to 33 feet to provide a five-foot sidewalk and a three-foot planting strip on the westerly side of the street with a twenty-foot pavement width. The five-foot sidewalk on the easterly side will remain.

Presently Grove Street is a one-way street north. The Urban Renewal Plan proposes to retain the one-way status of this street.

A portion of this street, 350 feet, is an interior street and is computed at 100% credit at an estimated cost \$22,999 as detailed in Exhibit A. The other portion, 260 feet, is a boundary street for which 50% credit is requested at an estimated cost of \$13,150 or \$6,574 which is allocated to this project and is also detailed in Exhibit A.

4. Concord Street

The portion of Concord Street within the project area is 80 feet in length and being a boundary street, it is deemed eligible for 50% credit for improvements. The street will remain a 50 foot right-of-way with minor improvements for turning movements from Washington Street. The estimated total cost is \$9,424 of which \$4,712 is allocated to this project.

5. Tentative Public Street

A new public street is contemplated along the westerly end of Disposition Parcel 1 and has been computed at 100% as an eligible interior public street at an estimated cost of \$17,819.

B. STREET AND TRAFFIC SIGNS

Street and traffic signs are proposed at specified intersections within the project area. Since all of the signs are at interior intersections, 100% eligibility and credit are claimed. Signs are incorporated as an item in the computation for each individual street.

C. SANITARY SEWER, STORM DRAIN AND WATER SERVICE

No modifications of the sanitary sewer and water systems are proposed at this time since the project area has adequate service in the forms of sanitary sewers and water mains. Necessary drainage facilities and connections to the storm drain system for the new street layouts have been estimated as part of the street construction as detailed in Exhibit A.

The following streets in the project area have the following public utility services as shown on Maps 9a and 9b Public Utility Adjustments - Service and Disposal respectively.

	<u>Water Mains</u>	<u>Sewers</u>	<u>Storm Drains</u>
Washington Street	8"	24" x 36"	12" and 15"
Grove Street	8"	8"	12"
Moulton Street	4" and 12"	8"	--
Concord Street	6"	24" x 36"	8"

Attached is a copy of a letter from the Massachusetts Water Resources Commission stating that the proposed plan is in accordance with their regulations. A copy of a letter from the City Engineer from the City of Newton is also attached stating that the City will continue to maintain the standards set forth in State and Federal regulations for preventing water pollution.

D. FIRE AND POLICE COMMUNICATIONS AND TRAFFIC SIGNALIZATION

Police and fire alarm call boxes are provided by the City of Newton and are an eligible project cost. To adjust the existing system to the new street alignment an estimate of \$7500 is included.

The proposed traffic signalization system along Washington Street consists of a revised signal at Concord Street and a new signal at Grove Street. The two signals are to be coordinated and phased with interconnecting lines and controllers to provide a smooth and continuing traffic flow with adequate intervals for pedestrian crossing. The signals are to be provided by the City and are eligible costs. The signalization revision at Concord Street is estimated at \$10,000 of which 67% or \$6,700 is allocated to this project. The new signal at Grove Street is estimated at \$35,000 which 100% is allocated to this project.

The eligibility for call boxes and traffic signalization is claimed as 100% for interior streets and 50% for boundary streets. Cost estimates are based on actual installation costs from City experience.

E. CHARLES RIVER FOOTBRIDGE

The replacement of an obsolete and dangerous footbridge (recently closed) is included as a supporting facility at 50% eligibility. The footbridge extended from a public right-of-way off Washington Street across the Cordingly Dam. Based on prior computations prepared by the City of Newton the estimated cost of the footbridge is \$20,000, of which \$10,000 is an eligible project cost.

F. SITE PREPARATION

Map 8, "Grading Plan," is submitted as part of this Project Improvement Report. This Map indicates the extent of the rough grading and the retaining wall work that will be undertaken by the Newton Redevelopment Authority.

The proposed rough grading which will involve extensive cut and fill is required to create a marketable disposition parcel on the north side of Washington Street for residential development in order to construct moderate and low income housing. The grading of this parcel will be done to permit the construction of a series of walls as part of the foundations of the residential structures. A series of terraces will result to accommodate the residential structures, access driveways and outdoor living space. The estimate includes the demolition of existing retaining wall along Washington Street.

Excavation	30,000 cy.	@	\$1.00/cy.	=	\$30,000.
Fill	22,500 cy.	@	\$1.00/cy.	=	22,500.
Demolish Retaining Wall	676 cy.	@	\$25.00/cy.	=	16,900.
					<hr/>
					\$69,400.
			Contingency(10%)		6,940.
					<hr/>
					\$75,340.
			Escalation (10%)		7,534.
					<hr/>
					\$82,874.
			Escalation (10%)		8,287.
					<hr/>
					\$91,161.

The proposed rough grading for the area between the existing apartment structure and the proposed location of the DAR building has been designed to facilitate the parking needs of the apartment structure. A major portion of the apartment building's existing parking spaces will be eliminated to facilitate the widening of Washington Street.

Excavation	2,350 cy.	@	\$1.00/cy.	=	\$ 2,350.
Fill	620 cy.	@	\$1.00/cy.	=	620.
Demolish Retaining Wall	15 cy.	#	\$25.00/cy.	=	375.
					<hr/>
					\$ 3,345.

(continued table from previous page)	Contingency (10%)	334.
		<hr/>
		\$ 3,679.
	Escalation (10%)	367.
		<hr/>
		\$ 4,046.
	Escalation (10%)	404.
		<hr/>
		<u>\$ 4,450.</u>

Two small sections (re-entrant corners) of the Charles River will be filled to eliminate the problem of continued debris collection. This will be revised as parking areas and open space. This will call for the use of rip rap for a stable base. Gravel fill will be trucked in from other sections of the site.

Rip Rap	1,000 cy.	@ \$25.00/cy.	=	\$25,000.
Fill	2,500 cy.	@ 1.00/cy.	=	2,500.
				<hr/>
				\$27,500.
		Contingency (10%)		2,750.
				<hr/>
				\$30,250.
		Escalation (10%)		3,025.
				<hr/>
				\$33,275.
		Escalation (10%)		3,302.
				<hr/>
				\$36,577.

All of the proposed site preparation work is required to serve project uses exclusively. Consequently, the cost of this work is deemed to be 100% eligible and is estimated to cost \$132,188.

G. PRIVATE UTILITY INSTALLATION AND RELOCATION

The Urban Renewal Plan requires that all electric service lines be placed underground on Washington Street only. Commonwealth and local law

does not require that utility companies place their transmission lines underground. However, these services are included as a project cost.

The Boston Edison Company has submitted detailed cost estimates for placing their services underground on Washington Street only. The estimate given by the Company on April 14, 1969 is approximately \$144,181 less \$27,800 for paving plus 10% for contingencies.

The total estimated difference between overhead and underground services charged to this project is \$128,019 plus 10% for contingencies added by the Authority.

Cost estimates are submitted as Exhibit "D." Attached as Exhibit "E" is the required opinion of counsel.

H. STREET LANDSCAPING AND IMPROVEMENTS

Estimated cost for landscaping is included with the cost of street improvements. It is proposed to install trees when feasible and appropriate. Costs of tree planting are included in the street construction estimates.

EXHIBIT 13

31 Colgate Road
Newton, Massachusetts 02162

October 7, 1970

Mr. Mario DiCarlo, Chairman
Newton Redevelopment Authority
210 Webster Street
West Newton, Massachusetts 02165

Dear Mario:

The Newton Lower Falls Project Area Committee met October 6, 1970. By unanimous vote I was instructed to send the Newton Redevelopment Authority the following actions.

The Project Area Committee reaffirms its position that the Colantuono property should be deeded back to the Colantuonos.

The main objection of the Newton Redevelopment Authority to taking this action has been their reluctance to mix residential with commercial property.

To meet this objection, we propose that the zoning classification of all the land abutting the east side of Moulton Street be changed to single-family residence C, including the Early-Gately and Colantuono properties. We propose further, that should the Newton Redevelopment Authority deem it necessary to maintain the approximate area of Parcel C as previously drafted, an area of land fronting Washington Street in the vicinity of Waverley Place be added to Parcel C.

It is to be noted that such action

- (1) would provide additional lots which we believe a survey of the residents of the Federally-assisted Portion of the Project Area will indicate are needed, and
- (2) would provide a consistent and harmonious use of Moulton Street which, by previous agreement, is to be a residential access street only.

Very truly yours,

Joel Leighton
Joel B. Leighton, Chairman
Newton Lower Falls Project Area
Committee

Information copies to:

Alderman Alan S. Barkin
Alderman Louis I. Egelson, Jr.
John E. Young, Vice Chairman - PAC

Cc: Authority Members
Joel B. Leighton, Chairman
Mrs. Russell McKeon, Sec.

EXHIBIT 14

EXHIBIT 15

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

EXHIBIT 16

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

EXHIBIT 17

Upon motion made by Mr. DiCarlo, and duly seconded by Mr. Clarey, it was voted unanimously to approve the payment of \$4,000 for Reuse Appraisal Services for Parcel Nos. 1-12 for Project No. Mass. R-122 to Ralph S. Foster Co., Inc.

Upon motion made by Mr. DiCarlo, and duly seconded by Mr. Sullivan, it was voted unanimously to request Halasz and Halasz, Design Consultants, to prepare several schematic plans for the development of the multi-family housing for Project No. Mass. R-122 in an amount not to exceed \$1,000.

No action was taken on proposal in letter dated July 20, 1972 from Mr. Clarey that the DAR house be reopened under custodial care since a feasibility study on moving the house will be available within a few weeks.

The following letters from LOPAC were noted and placed on file:

1. Letter dated July 27, 1972 suggesting control of possible marijuana growth in project area;
2. Letter dated July 27, 1972 with comments re five-year restriction on resale of residential lots.

Mr. Young, Vice Chairman LOPAC, commented that the residents in the area were very pleased that Moulton Street had been repaved by the Authority. ✓

When being no further business to come before the meeting, upon motion made by Mr. DiCarlo and duly seconded by Mr. Sullivan, it was unanimously voted to adjourn the meeting. The Chairman declared the meeting adjourned at 9:20 P.M.

The next regular meeting of the Authority will be held on September 7, 1972 at 7:30 P.M. at the Authority's site office.

(SEAL)

ATTEST:

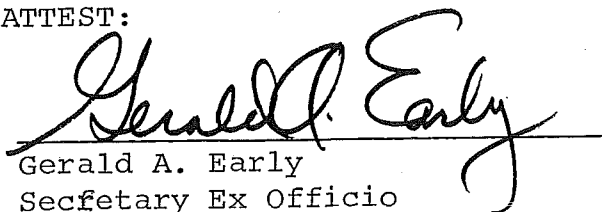

Gerald A. Early
Secretary Ex Officio

EXHIBIT 18

#912-72

CITY OF NEWTON

IN BOARD OF ALDERMEN

November 20, 1972

ORDERED:

That in accordance with the recommendation of the Public Works Committee, through its Chairman, Alderman Joseph M. McDonnell, the following item be and is hereby referred to the Planning Board for action:

#912-72 Lower Falls Project Area Committee petition for change of name of portion of Colgate Road to Colgate Circle.

Under Suspension of Rules
Readings Waived & Item Referred
22 Yeas 2 Absent
(Absent - Ald. Pines & Uehlein)

(Sgd) JOSEPH H. KARLIN City Clerk

TELEPHONE
Dialow 4-4700



City of Newton, Massachusetts

Founded 1689 Incorporated a City 1871

City Hall

1000 Commonwealth Avenue, Newton Centre 99

RICHARD A. DUDMAN
DAVID A. LURENSKY
ERNEST A. SICILIANO
GORDON F. BLOOM
SHARON FRANCIS

PLANNING BOARD

STANLEY MILLER, CHAIRMAN
29 ELLIS ROAD, WEST NEWTON

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

February 28, 1973

Newton Redevelopment Authority
2256 Washington Street
Newton Lower Falls, Mass. 02162

Dear Sir:

At a meeting of the Planning Board acting as a Board of Survey held December 11, 1972 the Board took action with respect to Board Order #912-72.

After due consideration, the Board voted to discontinue the westerly end of the existing circle to the easterly side of the now existing Colgate Road, and rename that portion constructed from Moulton Road to Colgate Circle.

Very truly yours,

U. M. Schiavone
City Engineer and
Clerk of the Planning Board

UMS/jf

cc: Joseph H. Karlin, City Clerk

MAR 9 1973
1973

EXHIBIT 19

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

EXHIBIT 20

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 nor 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

61 Moulton St.
Newton Lower Falls

EXHIBIT 21

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

- my J. Corcoran 34 Moulton St N.L.F.
- my A. Corcoran 34 Moulton St. N.L.F.
- my E. Corcoran 30 Moulton St N.L.F.
- my R. Le Brun 21 Moulton St. N.L.F.
- my G. Miller 35 Moulton St N.L.F.
- my R. Rossetti 45 Moulton St, N.L.F.
- my A. Noonan 46 Moulton St. Newton L. Falls

EXHIBIT 22

#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:

HELD.

NOTE:

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 there will 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

EXHIBIT 23

COMMUNITY DEVELOPMENT

XXXXXXXXXXXXXXXXXXXX

July 21, 1976

Mr. John Sawyer
Department of Community Affairs
100 Cambridge Street, Room 1406
Boston, Massachusetts 02202

Subject: State-Aided Urban Renewal Project
Repairs - Moulton Street, Newton Lower Falls

Dear Mr. Sawyer:

Pursuant to our meeting on Tuesday, July 13, 1976 the Newton Community Development Authority respectfully requests that you approve a contemplated expenditure of \$8,500 from your project funds to complete repairs to the two sections of Moulton Street which we discussed. The following facts will outline the problems involved.

First, that section of Moulton Street within the project area which was improved under a project contract in 1969 and has deteriorated due to poor workmanship. Please note conditions of road in enclosed photographs numbered 1, 2, 3, and 10.

After many meetings and discussions with the Lower Falls Project Area Committee it has been determined by all concerned that the workmanship was inferior since it has not held up and that it is a project responsibility of this Authority to correct the situation. I have enclosed a copy of a Memorandum from the City of Newton Engineer which puts the estimate of work involved at Two Thousand Dollars (\$2,000.00).

Second, that portion of Moulton Street, about 400 feet, which abuts the State-aided Project Area and was badly damaged by use of construction trucks and equipment for access to the upper section of the State Project Area for development purposes.

Mr. John Sawyer

-2-

July 21, 1976

i.e., the construction of the new section of Moulton Street noted above, development of housing and commercial buildings in the State-Aided Project Area.

The large picture which I took to your office and showed you proves that this 400 foot stretch of private way was in good condition in 1969 (prior to project activities) and the Newton Board of Aldermen Public Works Committee at a Hearing held on July 8, 1976, at which project area residents and city officials testified, made a finding that the cause of the present condition of this section of road was use of the road for project activities and construction as outlined above.

The cost of restoring Four Hundred Feet (400') of roadway is Sixty-Five Hundred Dollars (\$6,500.00) as indicated on the enclosed estimate from the City of Newton Engineer dated July 16, 1976. I have also enclosed photographs numbered 4, 5, 6, 7, 8, 9, 11, and 12 which well document the present condition of this road.

In view of the facts and documents information regarding these problems, we sincerely hope that you will concur with our findings and approve the expenditure as requested.

Very truly yours,

Gerald A. Early
Director

GAE:dd

enclosures

EXHIBIT 24

COMMUNITY DEVELOPMENT
XXXXXXXXXXXXXXXXXXXX

August 18, 1976

Mr. John Sawyer
Department of Community Affairs
100 Cambridge Street, Room 1406
Boston, Massachusetts 02202

Subject: State-Aided Urban Renewal Project
Repairs - Moulton Street, Newton Lower Falls

Dear Mr. Sawyer:

Pursuant to the Authority's letter to you dated July 21st, a copy of which is enclosed, and in accordance with your oral request for additional documentation and a finding by the Newton Community Development Authority concerning the cause of damage to that section of Moulton Street which is outside of the project boundary, we have enclosed the following documents:

1. Resolution of the Newton Community Development Authority finding that the damage was done by construction equipment in project area;
2. Picture taken in 1969 showing condition of the 400' area of Moulton Street prior to project construction activities;
3. Minutes, meeting of City of Newton Board of Aldermen Public Works Committee held on July 8, 1976 which substantiates the information in Authority letter of July 21, 1976.

Very truly yours,

Gerald A. Early
Director

GAE:d

RESOLUTION OF THE NEWTON COMMUNITY DEVELOPMENT AUTHORITY RE
DETERMINATION AND FINDING OF CONDITION OF A PORTION OF MOULTON
STREET WHICH ABUTS THE LOWER FALLS STATE-AIDED RENEWAL PROJECT

VOTED:

That the Newton Community Development Authority hereby determines and finds that the present condition of 400' (+ or -) of that portion of Moulton Street in the City of Newton which abuts the Lower Falls State-aided Renewal Project occurred as a result of project activities during the development phase of said project and therefore, hereby authorizes the expenditure of project funds to correct the conditions as outlined in the attached letter dated July 21, 1976 addressed to the Department of Community Affairs subject to the approval of the Massachusetts Department of Community Affairs.

Adopted: August 12, 1976

Action approved by Vote # 10 of the Newton Planning and Development Board on August 12, 1976

EXHIBIT 25



MICHAEL S. DUKAKIS
GOVERNOR

WILLIAM G. FLYNN
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Communities and Development

110 Cambridge Street - Room 1403

Boston, Massachusetts 02202

September 16, 1976

Gerald A. Early, Director
Newton Community Development Authority
P.O. Box 627
2256 Washington Street
Newton Lower Falls, MA 02162

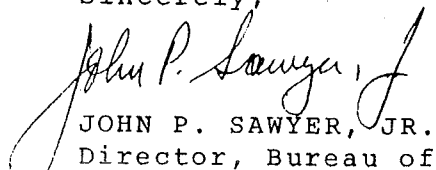
Dear Mr. Early:

This office is in receipt of your letter dated July 21, 1976, in which you request approval by the Department of a contemplated expenditure of \$8,500 from the Newton Lower Falls Urban Renewal Project to complete repairs to two sections of Moulton Street—one section within the project and the other adjoining the project.

The Department has reviewed the requested expenditures and approves the request for both the expenditure of \$2,000 for repair work on that portion of Moulton Street within the project area and the \$6,500 expenditure on that portion of Moulton Street abutting the project which the Department regards as an ancillary facility to the renewal project.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,


JOHN P. SAWYER, JR.
Director, Bureau of
Urban Renewal

JPS:ct

RECEIVED

SEP 21 1976

EXHIBIT 26

CITY OF NEWTON
MASSACHUSETTS

file

INTER-OFFICE CORRESPONDENCE

TO: Ms. Cynthia McCarthy, City Engineer DATE: October 4, 1976

FROM: Mr. Gerald A. Early, Director SUBJECT: Moulton Street Repairs
Newton Community Development Authority Newton Lower Falls Project Area

Attached is documentation and correspondence relevant to repairs on Moulton Street in the Lower Falls Project Area. The people of Lower Falls have requested that we expedite this work as quickly as possible.

We request that you prepare the necessary contract estimates and documents so that we may proceed to let the contract.

*P. Jones says - 2 wks. Oct. 20th ±
Specifications sent to Purchasing Dept. for bid prep. on 10/15/76*

EXHIBIT 27

NEWTON COMMUNITY DEVELOPMENT AUTHORITY

P.O. Box 627
2256 Washington Street
Newton Lower Falls, Massachusetts 02162
Telephone (617) ~~989-4056~~ 552-7142



September 5, 1978

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, Massachusetts 02159

Re: *State-aided Portion of Newton Lower Falls Project
Sale of Residential Land*

Gentlemen:

At a regular joint meeting of the Newton Community Development Authority and the Newton Planning and Development Board held on August 10, 1978, it was voted to authorize the Chairman of the Authority to enter into and execute a purchase and sales agreement for the sale of certain parcels of residential vacant land in the State-aided Portion of the Lower Falls Project Area, as identified on the attached Disposition Plan, as follows:

PARCEL NOS.

C-2 through
C-5 & B-2

C-6 & C-7

REDEVELOPERS

Frank Compagnone and John M. Lucente
d/b/a Vine Brook Realty Trust
Lexington, Massachusetts

David St. John
8 Sheridan Circle
Wellesley Hills, Massachusetts

The Authority anticipates conveyance of said parcels on or about September 15, 1978.

This letter shall serve as notice to the Board of Aldermen in accordance with the provisions contained in the Land Assembly and Redevelopment Plan, Sec. VI "MISCELLANEOUS PROVISIONS", paragraph (2).

The executed disposition agreement will be on file at the Authority's office for inspection.

Honorable Board of Aldermen

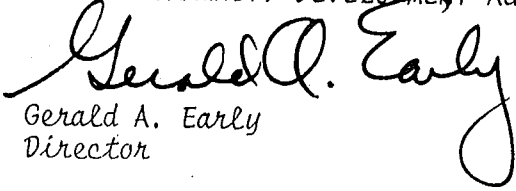
-2-

September 5, 1978

Enclosed is a duplicate copy of this letter. Will you kindly acknowledge receipt and acceptance of this letter and return the duplicate to the Authority's office in the enclosed envelope.

Very truly yours,

NEWTON COMMUNITY DEVELOPMENT AUTHORITY


Gerald A. Early
Director

GAE:dd

enclosure:

Acknowledged Receipt:

Board of Aldermen, Clerk

Date

EXHIBIT 28

CITY OF NEWTON

IN BOARD OF ALDERMEN

#601-78

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 &
McDonnell)

EXECUTIVE DEPARTMENT

Approved Oct. 18, 1978

(Sgd) JOSEPH H. KARLIN City Clerk (Sgd) THEODORE D. MANN Mayor

EXHIBIT 29

October 16, 1978

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that EXECUTIVE PARK DRIVE

from Washington Street, northwesterly

to end

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 EXECUTIVE PARK DRIVE 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 a point on the new northwesterly line of Washington Street distant 161.87 feet northeasterly from the northeasterly tangent point of a curve of 400.00 feet radius; thence by a curve to the left in a northeasterly, northerly and northwesterly direction of 25.00 feet radius, 39.27 feet, forming the intersection of the southwesterly line of Executive Park Drive with the new northwesterly line of Washington Street; thence N.47°13'47"W., 163.75 feet; the last two described lines being the southwesterly line of Executive Park Drive and being by land of the Newton Community Development Authority; thence N.49°04'43"E., 45.27 feet by the end of said Executive Park Drive; thence S.47°13'47"E., 158.78 feet; the last described line being parallel to and 45.00 feet distant from the second described line; thence by a curve to the left in a southeasterly, easterly and northeasterly direction of 25.00 feet radius, 39.27 feet, the last three described lines being by land now or formerly of the Spaulding & Slye Corporation; thence S.42°46'13"W., 95.00 feet by said northwesterly line of Washington Street 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

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

EXECUTIVE DEPARTMENT

Approved Oct. 18, 1978

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor

EXHIBIT 30

IN BOARD OF ALDERMEN

October 16, 1978

WHEREAS, in the opinion of the Board of Aldermen of the City of Newton, the public necessity and convenience require that portions of WASHINGTON STREET, north west side from Concord Street northeasterly to beyond Executive Park Drive and GROVE STREET, southwesterly side from Washington Street northerly should be widened and portions discontinued as shown on a plan signed by the City Engineer of said city, dated October 17, 1978 and recorded with the Engineering Department of said city as plan #38013, and for that purpose it is necessary to take parcels of land and discontinue parcels of land for street purposes as 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 portions of Washington Street and Grove Street be and the same are hereby taken or discontinued under the General Law as a public street or way of the city as shown on said plan, and it is further

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

PARCEL 1 (DEDICATION FOR STREET)

Beginning at a point on the northeasterly line of Concord Street as laid out October 22, 1801 and relocated June 4, 1872, distant 31.99 feet northwesterly from the northwesterly tangent point of a curve of 22.46 feet radius which forms the old intersection of said northeasterly line of Concord Street with the northwesterly line of Washington Street as laid out as a portion of the old Sherborn Road, March 2, 1726; thence by a curve to the left of 31.86 feet radius, 45.28 feet forming the new intersection of said Concord Street with Washington Street; thence by another curve to the left of 1130.92 feet radius 201.46 feet; the last described line being by land of the Newton Community Development Authority and land now or formerly of Evelyn Z. Levin, Wilbur A. Levin and Jean I Brenner; thence N.61°35'18"E., 58.54 feet; thence by a curve to the left in a northeasterly, northerly, and northwesterly direction of 40.00 feet radius, 74.76 feet, the last two described lines being by land now or formerly of Evelyn Z. Levin et al, the last four described lines being by the new northwesterly line of Washington Street; thence S.39°05'17"E., 13.59 feet; thence by a curve to the right in a southeasterly, southerly, and southwesterly direction of 25.83 feet radius, 39.74 feet which forms the old intersection of the southeasterly line of Grove Street as laid out November 11, 1850 with the northwesterly line of Washington Street; thence S.49°11'22"W., 40.92 feet;

thence S.63°03'42"W., 100.00 feet; thence S.65°25'22"W., 50.00 feet; thence S.68°14'14"W., 50.00 feet; thence S.70°48'17"W., 36.00 feet; thence S.75°55'47"W., 17.68 feet; the last six described lines being by said old northwesterly line of Washington Street; thence by a curve to the right in a southwesterly, westerly, and northwesterly direction of 22.46 feet radius as aforesaid, 30.35 feet; thence N.26°39'03"W., 31.99 feet by the northeasterly line of Concord Street to the point of beginning.

PARCEL 2 (DISCONTINUANCE)

Beginning at a point on the old southwesterly line of Grove Street as laid out November 11, 1850, distant 13.59 feet northwesterly from the northwesterly tangent point of a curve of 25.83 feet radius which formed the intersection of said old southwesterly line of Grove Street with the old northwesterly line of Washington Street as laid out as a portion of the Sherborn Road, March 2, 1726; thence N.39°05'17"W., 67.83 feet along said old southwesterly line of Grove Street, by land now or formerly of Evelyn Z. Levin, Wilbur A. Levin and Jean Brenner; thence S.45°30'02"E., 43.96 feet; thence by a curve to the right of 40.00 feet radius, 25.04 feet, to the point of beginning. The last two described lines being by the new line of Grove Street.

PARCEL 3 (DEDICATED FOR STREET)

Beginning at a point on the old line of Grove Street as laid out November 11, 1850 distant 81.42 feet northwesterly from the northwesterly tangent point of a curve of 25.83 feet radius; thence N.45°30'02"W., 176.45 feet by land now or formerly of Evelyn Z. Levin, Wilbur A. Levin and Jean I. Brenner, by land of the City Newton, Library Department and by land now or formerly of David E. Hartl and Margery M. Hartl; thence N.46°01'15"W., 331.17 feet by said land now or formerly of David E. Hartl et al, and by lands now or formerly of David S. Morales and Joan K. Morales, Robert M. Johnson and Ruth A. Johnson, and Robert L. Sweet and Helen R. Sweet, the last two described lines being by the new southwesterly line of Grove Street; thence northeastly 5.02 feet by a jog in the old southwesterly line of said Grove Street; thence S.46°01'15"E., 330.70 feet; thence S.45°30'02"E., 131.93 feet; thence S.39°05'17"E., 44.82 feet, to the point of beginning, the last three described lines being by said old southwesterly line of Grove Street.

PARCEL 4 (DEDICATION FOR STREET)

Beginning at the northeasterly tangent point of a curve of 36.70 feet radius which formed the intersection of the old northwesterly street line of Washington Street as laid out as a portion of the old Sherborn Road, March 2, 1726 with the old northeasterly line of Grove Street as laid out November 11, 1850; thence by said curve to the right of 36.70 feet radius in a southwesterly, westerly, and northwesterly direction, 38.38 feet; thence by a curve to the left in a southeasterly, easterly and northeasterly direction of 25.00 feet radius, 18.65 feet; thence N.65°11'18"E., 367.26 feet, the last two described lines being by the new northwesterly line of Washington Street and by land of the Newton Community Development Authority; thence S.47°35'07"W., 91.92 feet; thence S.66°41'15"W., 102.98 feet; thence S.69°24'45"W., 73.02 feet; thence S.69°35'35"W., 91.29 feet to the point of beginning, the last four described lines being by said old line of Washington Street.

PARCEL 5 (DISCONTINUANCE)

Beginning at a point on the old line of Grove Street as laid out November 11, 1850, distant 1.76 feet southeasterly from the northwesterly tangent point of a curve of 36.70 feet radius which formed the intersection of the old line of Grove Street as aforesaid with the old northwesterly line of Washington Street as laid out as a portion of the old Sherborn Road, March 2, 1726; thence by a curve to the right in a northwesterly direction of 25.00 feet radius which forms the intersection of the new northwesterly line of Washington Street with the new northeasterly line of Grove Street, 20.62 feet; thence N.24°48'42"W., 0.63 feet by said new northeasterly line of Grove Street; thence S.47°45'16"E., 18.98 feet by the new northeasterly line of Grove Street; thence by said curve to the left of 36.70 feet radius, 1.76 feet to the point of beginning. The last two described lines being by land of the Newton Redevelopment Authority.

PARCEL 6 (DISCONTINUANCE)

Beginning at a point on the old northwesterly line of Washington Street as laid out as a portion of the old Sherborn Road, March 2, 1726 at land now or formerly of the Newton Community Development Authority; thence N.47°35'07"E., 134.60 feet; thence N.50°16'37"E., 50.50 feet; thence N.45°24'59"E., 166.72 feet; thence N.42°59'40"E., 117.96, the last four described lines being by said old line of Washington Street; thence S.47°13'47"E., 2.61 feet; thence S.42°46'13"W., 320.87 feet; thence by a curve to the right in a southwesterly direction of 400.00 feet radius, 156.51 feet to the point of beginning. The last two described lines being by the new line of Washington Street.

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 parcels 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>NAME</u>	<u>AMOUNT</u>
The Newton Community Development Authority	None

A portion of the above described parcels is registered land. The number of the certificate, volume and page in which said certificate is registered in the records for registered land for the southern district of Middlesex County and the owner of said parcel which is being taken for street purposes is as follows:

<u>OWNER</u>	<u>CERT.#</u>	<u>VOL.</u>	<u>PAGE</u>
The Newton Community Development Authority	154454	902	104
Under Suspension of Rules			
Readings Waived & Adopted			
21 Yeas 4 Absent (Ald.			
Coletti, Dietz, Stiller, McDonnell)			
			EXECUTIVE DEPARTMENT
			Approved <u>Oct. 18, 1978</u>

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor

Sullivan Shawna

Date sent: Tue, 14 May 2013 15:21:57 -0400
Subject: Public Ways for Moulton/Colgate
From: Moulton Colgate <moultongailcornellcolgate@gmail.com>
To: asalvucci@newtonma.gov
Copies to: ssullivan@newtonma.gov

Dear Alderman Salvucci:

We are sending this email to each of the Public Facilities members. Thank you for taking the time to hear our request on Moulton/Colgate item #52-13. We realize it is an unusual situation and we are happy to answer any questions you may have. We are also happy to provide tours to any interested Committee members. If you are interested in arranging a tour time please feel free to contact Sally Kessel, skessel@rcn.com 617-699-8805 or Jack Ahern, jaher2@aol.com 617-965-3406. We think if you see the site and the different sections of the road it will make it easier to visualize and discuss.

Our goal is to convince you that the City should take responsibility for bringing Upper Moulton and Colgate Circle up to standards and accept these sections as public ways at no cost to the residents. We believe that our situation is unique and the usual process for accepting a public way does not apply to us. The City created the street, using City and State public funds, with the express purpose of making them public ways. When item #52-13 was discussed in Committee on February 20, 2013 City officials were not aware of any other private way in the City that was created by the City to City standards, with City and State funds. We should not be forced to pay to bring the streets up to standard for acceptance because we believe the City should have been maintaining the roads all along.

Sincerely,

Public Ways for Moulton Colgate Committee

Jack Ahern , 46 Moulton St.

Chris Ahern, 46 Moulton St.

Lori Breslow, 11 Colgate Circle

Bill Kessel, 49 Moulton St.

Sarah Kessel, 49 Moulton St.

Anthony Munchak, 67 Moulton St.

Bill Renke, 142 Cornell St.

John Stewart, 23 Pierrepont Rd.

Petition for the Completion of the Lower Falls Urban Renewal Project

Presented by the Public Ways for Moulton/Colgate Committee

Purpose: To petition the City of Newton to repair the roadways created by the Newton Redevelopment Authority, through a state-assisted Urban Renewal Plan, with the explicit intention that they become public ways, and therefore maintained at city expense.

Background: In 1966, the City of Newton, acting through the Newton Redevelopment Authority, submitted an "Application for Planning Advance for Proposed Lower Falls Project (State-Assisted)," to the Division of Urban Renewal, a part of the Massachusetts Department of Commerce and Development. The application was submitted in accordance with Massachusetts General Laws, Chapter 121, titled "Division of Urban and Industrial Renewal," currently Chapter 121B, titled "Housing and Urban Renewal." In the application, the city requested \$30,300 (the 75% of total costs allowed) from the state, for preparation and development of surveys and plans for the state-aided Urban Renewal and Redevelopment Project.

Upon completion of the survey and planning stage, the Newton Redevelopment Authority submitted their "Urban Renewal Plan and Report" (hereinafter "The Plan") in January of 1968. The Plan stated that "All existing streets are privately owned; proposed streets will be publicly owned." *Urban Renewal Plan and Report for the Lower Falls Project (state-assisted) pg. 6* (EXHIBIT A). Map 4 of The Plan, titled "Disposition Plan," shows the square footage of each parcel in the project area, and how it would be used. The map was further revised in March of 1972. (EXHIBIT B). Of the 45,952 square feet of public land within the project area, all was attributable to Parcel D, representing the entire portion of Moulton Street and Colgate Circle within the project area. Parcel D was to be entirely paved, as well as curbs and sidewalks created, all in accordance with city standards. *Id. pg. 28-29*. Map 7, titled the "Street Improvement Plan," details this proposal as well as the intention of the Redevelopment Authority that the lower half of Moulton Street and upper portion of Cornell Street, both outside the project area, be paved with curbs and sidewalks. (EXHIBIT C). In the end, the Authority fulfilled all its goals, except for creation of curbs and sidewalks on the lower half of Moulton Street and upper half of Cornell Street.

The Official Audit Report issued by the Department of the State Auditor, dated March 9, 1976, confirms through the "Execution Data" that all 45,952 square feet in Parcel D intended to be public roadway were in fact turned into "Public Streets." *The Commonwealth of Massachusetts Report on the Examination of the Accounts of the Newton Redevelopment Authority, November 1, 1974 to June 30, 1975, pg. 3.* (EXHIBIT D) These streets in the project area were all created during 1970, and by November of 1975 seven families who were displaced by the Federal project area had built houses and were occupying them, on the state project site. *Id. pg. 8.*

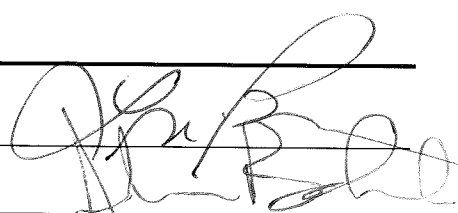
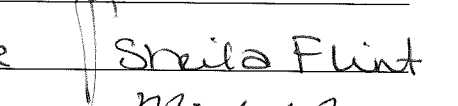
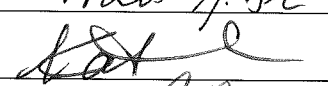
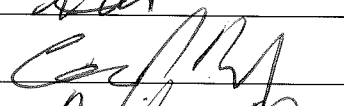
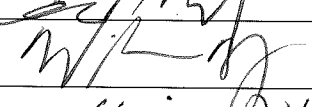


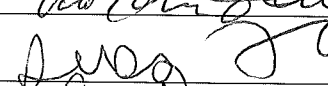

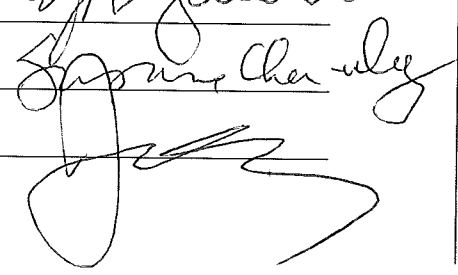
Conclusion: It is clear that the intention of the Newton Redevelopment Authority, as seen through applications, plans, reports and audits, was that the roads created be public ways. The means by which a city can receive state funds for an urban renewal project under Massachusetts General Laws, Chapter 121B, further suggests that the roads were actually required to become public ways. At this point, the City has taken the position that because Moulton Street does not meet current "public way" standards throughout, the City cannot recognize it as a public way and therefore take responsibility for the necessary repairs. It is our opinion that because the Newton Redevelopment Authority did not follow through with their plan and obligation to make the road public some forty years ago, the burden now rest on the City to solve this issue, and repair the road, free of contributions from abutters.

Petition: We, the undersigned petitioners, do hereby petition the City of Newton to resolve the injustice created by the Newton Redevelopment Authority in not following through with their plan to have newly created roadways, within the project area, become public, a plan that was relied on in order to secure state financing for the Lower Falls Project. We request the City of Newton take responsibility for the roadways created through the Lower Falls Project, by taking the actions necessary to repair the roads and bring them to city standard, at no expense to the abutters.

Name

Address

Signature

Name	Address	Signature
LORI BRESLOW	11 Colgate Circle	
John Belcher	11 Colgate Cr	
Sheila Flint	15 Colgate Circle	Sheila Flint
Miss J. Flint	15 Colgate Cir.	Miss J. Flint
Kath ^{Kate} McLeod	14 Colgate Circle	
Cameron McLeod	14 Colgate Circle	
Bill & Lucinda Wong	66 Moulton St.	
Elaine Pollack	6 Colgate Circle	Elaine Pollack
Lesa Katz	10 Gail Rd	Lesa Katz
Anthony Munchak	67 Moulton St.	Anthony Munchak
VLADIMIR Kineyev	85 Moulton St	
Tatyana Kineyeva	85 Moulton St	
MARTINE CARROLL	46 Moulton St.	Martine Carroll
Mark Mark Trachtenberg	78 Moulton St	Mark Trachtenberg
Ven Nan Zeng	77 Moulton St	Ven Nan Zeng
SUSAN FOSTER	45 Moulton	
John Stewart	23 Pierrepont Rd.	
Susanne Chan-Wong	109 Moulton St	Susanne Chan-Wong
JEFFREY WONG	109 Moulton St	

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Name Address Signature

Jeanne S. Mosher 86 Moulton St. N1F 02462

Irene Renke 142 Cornell St N1F 02462 Irene Renke

WILLIAM RENKE 142 CORNELL ST William Renke

John Costilio 61 Moulton Street John Costilio

Laura Kessel 49 Moulton St Laura Kessel

Sarah Kessel 49 Moulton St Sarah Kessel

Stamen Dewing 117 Moulton St Stamen Dewing

William Kossol 49 Moulton St William Kossol

JOHN CONNOR 135 CORNELL ST John Connor

JAMES EMERSON 121 CORNELL ST. James Emerson

Mildred Costanzo 564 Grove St MILDRED COSTANZO

Edward Costanzo 564 Grove St Edward Costanzo

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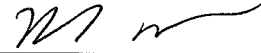
Name

Address

Signature

Michael Fox

49 Moulton St #2



Ewert Mear

132 Cornell St

Everett Mear

John Abern

46 Moulton St



Ruth Landsman

20 Moulton St



NICOLA KUBLEWITZER

35 MOULTON ST



Petition: We, the undersigned petitioners, do hereby petition the City of Newton to resolve the injustice created by the Newton Redevelopment Authority in not following through with their plan to have newly created roadways, within the project area, become public, a plan that was relied on in order to secure state financing for the Lower Falls Project. We request the City of Newton take responsibility for the roadways created through the Lower Falls Project, by taking the actions necessary to repair the roads and bring them to city standard, at no expense to the abutters.

Name Address Signature

ARTO DerMouresian 55 Moulton St [Signature]

Vickie DerMouresian 55 Moulton St [Signature]

JACK CHAN 110 MOULTON ST [Signature]

SWIE JAP 110 MOULTON ST [Signature]

Kathleen Dalae 99 Moulton St. [Signature]

Edward J Dolan 99 Moulton St [Signature]

Casuy Zang 77 Moulton St. [Signature]

Richard Patti 34 Moulton St [Signature]

Teff Foster 45 Moulton St [Signature]

Joe Ryan 141 Cornell St [Signature]

Steve Spruick 134 Cornell St. [Signature]

[Empty lines for additional signatures]

Petition: We, the undersigned petitioners, do hereby petition the City of Newton to resolve the injustice created by the Newton Redevelopment Authority in not following through with their plan to have newly created roadways, within the project area, become public, a plan that was relied on in order to secure state financing for the Lower Falls Project. We request the City of Newton take responsibility for the roadways created through the Lower Falls Project, by taking the actions necessary to repair the roads and bring them to city standard, at no expense to the abutters.

Name	Address	Signature
LEN KRISAK	20 MOULTON ST.	Len Krisak
KATHERINE	KENJESKA	
	17 MOULTON ST	
	Katherine Kenjeka	
Mary-Elizabeth Patti	34 Moulton St.	Mary Elizabeth Patti

EXHIBIT "A"

PRESENT CHARACTER, CONDITION OF BUILDINGS, AND PROPOSED LAND USES

ITEM	ACREAGE					CONDITION OF BUILDINGS				ACREAGE BY PROPOSED LAND USES	
	TOTAL	BY PRESENT CHARACTER			BY PROPOSED ACQUISITION		TOTAL BUILDINGS	NUMBER WITH DEFICIENCIES	NUMBER STRUCTURALLY SUBSTANDARD REQUIRING CLEARANCE		NUMBER WARRANTING CLEARANCE TO REMOVE BLIGHTING INFLUENCES
		WITH BUILDINGS OR STREETS	WITH OTHER IMPROVEMENTS	UNIMPROVED	TO BE ACQUIRED	NOT TO BE ACQUIRED					
TOTAL	10.33	0.81		9.52	10.33		1#				10.33
1. Streets, Alleys, Public Rights-of-Way, Total	1.14	0.55		0.59	1.14						1.05
a. Major Transportation											
(1) With Federal Highway Aid											
(2) Without Federal Highway Aid											
b. Other Streets, Alleys,* Public Rights-of-Way	1.14	0.55		0.59	1.14						1.05
2. Residential, Total	3.41	0.26		3.16	3.41		1#				2.55
a. Dwelling Purposes	3.41	0.26		3.16	3.41		1#				2.55
b. Related Public or Semipublic Purposes											
3. Nonresidential, Total	5.78			5.78	5.78						6.73+
a. Commercial	5.78			5.78	5.78						6.73+
b. Industrial											
c. Public or Semipublic (Institutional)											
d. Open or Unimproved Land Not Included in 3a, b, or c above											



- * All existing streets are privately owned; proposed streets will be publicly owned
- + Non-residential development district containing a mix of commercial and light industrial uses
- # There is only one building in the project area which will be relocated from a non-residential to a residential reuse parcel.

3
**POSITION
LAN**

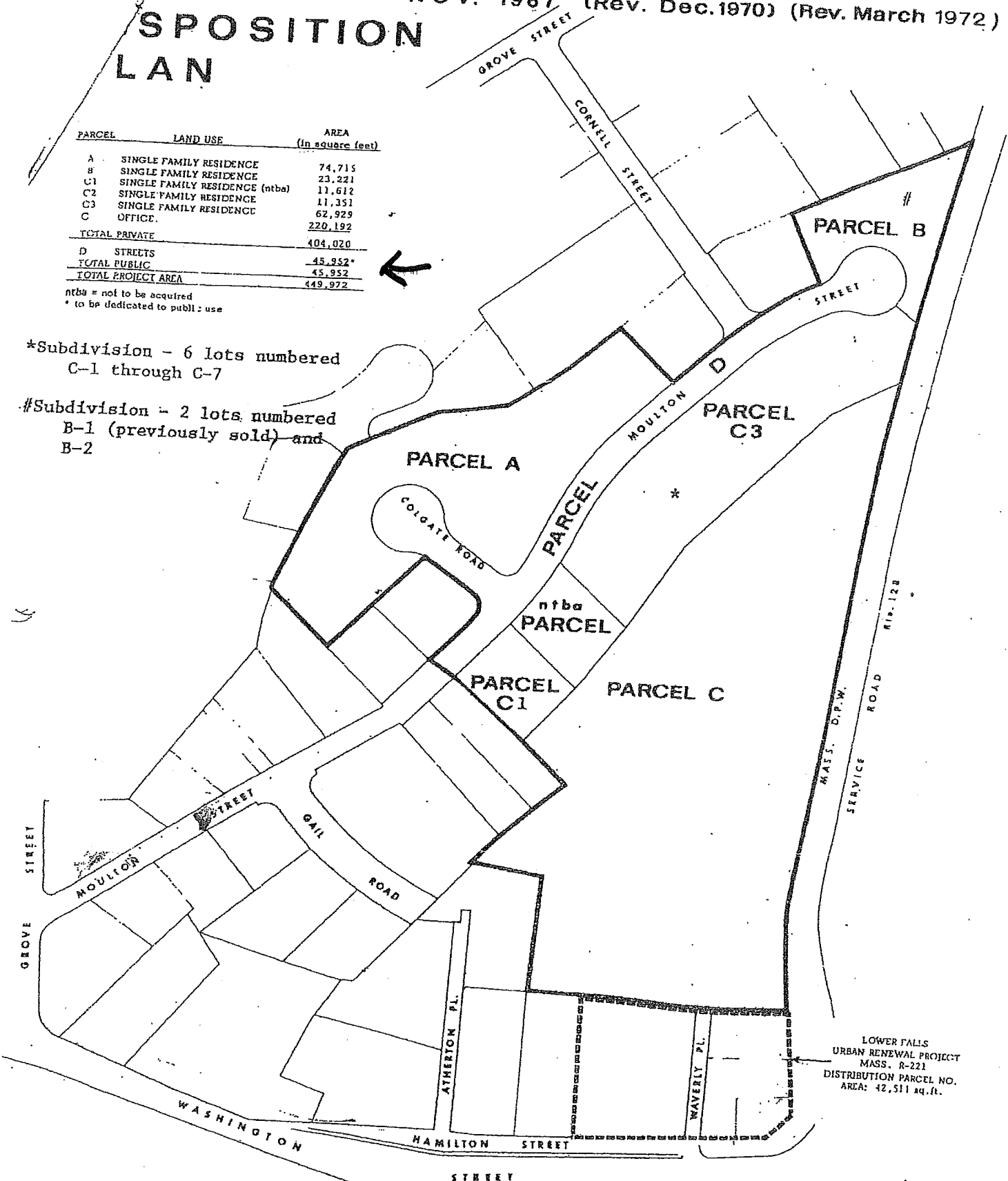
NOV. 1967 (Rev. Dec. 1970) (Rev. March 1972)

PARCEL	LAND USE	AREA (in square feet)
A	SINGLE FAMILY RESIDENCE	74,715
B	SINGLE FAMILY RESIDENCE	23,221
C1	SINGLE FAMILY RESIDENCE (ntba)	11,612
C2	SINGLE FAMILY RESIDENCE	11,351
C3	SINGLE FAMILY RESIDENCE	62,929
C	OFFICE	220,192
TOTAL PRIVATE		404,020
D	STREETS	45,952*
TOTAL PUBLIC		45,952
TOTAL PROJECT AREA		449,972

ntba = not to be acquired
* to be dedicated to public use

*Subdivision - 6 lots numbered C-1 through C-7

#Subdivision - 2 lots numbered B-1 (previously sold) and B-2

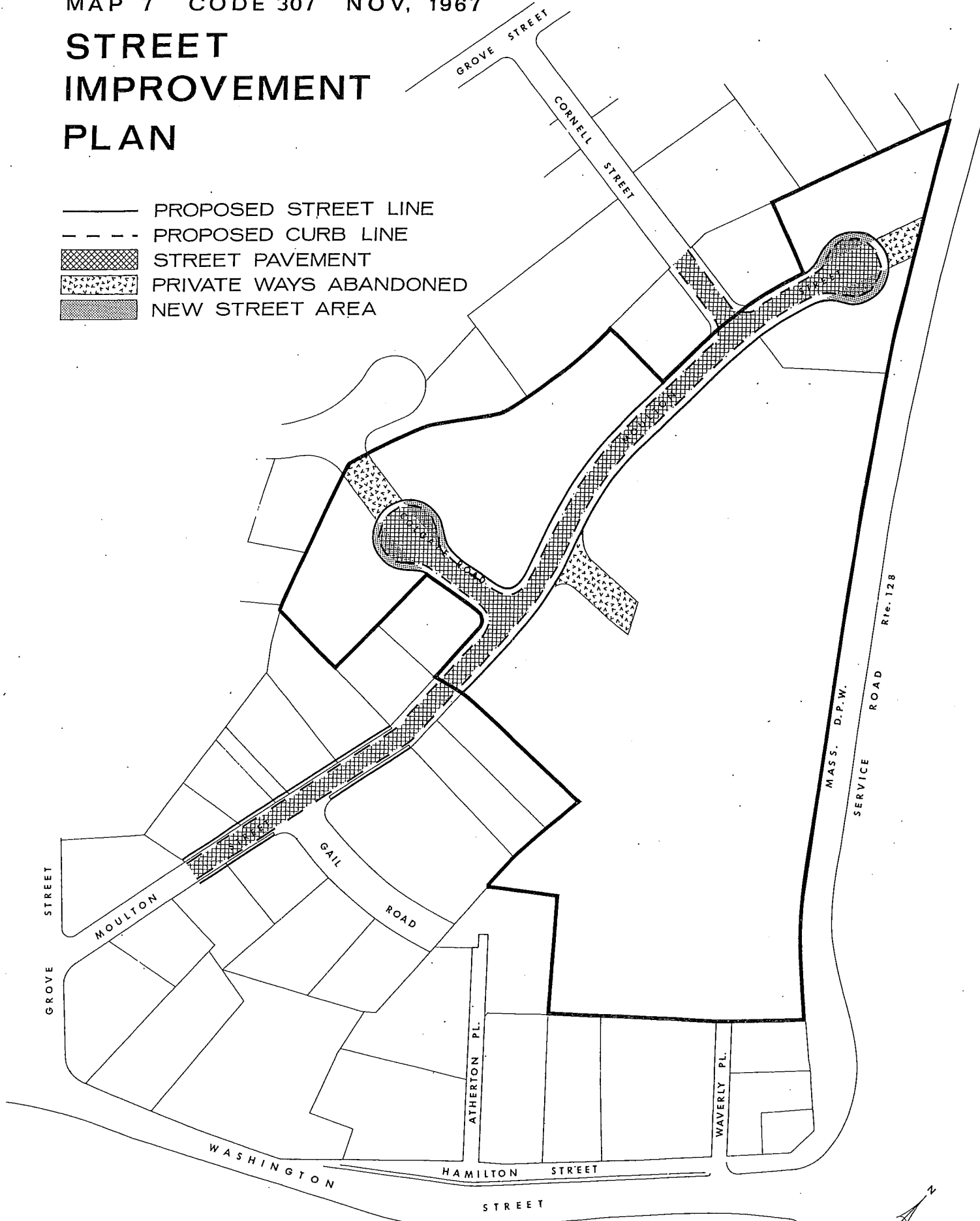


LOWER FALLS
URBAN RENEWAL PROJECT
MASS. R-221
DISTRIBUTION PARCEL NO.
AREA: 42,511 sq. ft.

MAP 7 CODE 307 NOV, 1967

STREET IMPROVEMENT PLAN

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



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

FEET 0 80 160 24
 BASE MAP PREPARED BY NEWTON
 ENGINEERING DEPARTMENT

STATUTORY REFERENCE

1. Housing Authority Law:
Chapter 121B of the General Laws, as amended

STATISTICAL DATA

Newton Lower Falls Project - State-aided

Execution Stage

June 30, 1975

Gross project cost:	
Project expenditures	\$504,427 00
Site improvements	107,868 00
Public supporting facilities	<u>21,350 00</u>
Total gross project cost	\$633,645 00
Estimated sale price of project area land to be sold	<u>507,800 00</u>
Net project cost	<u>\$125,845 00*</u>
* City of Newton share	\$ 62,922 50
Commonwealth of Massachusetts share	<u>62,922 50</u>
	<u>\$125,845 00</u>
Actual project costs to date	<u>\$501,020 45</u>

Execution Data

Proposed land uses:
Private:

<u>Parcel</u>	<u>Land Use</u>	<u>Area</u>	<u>Number of Structures</u>
A	Single family residence	74,715 sq. ft.	7
B	Single family residence	23,221 sq. ft.	2
C1*	Single family residence	11,612 sq. ft.	1
C2	Single family residence	11,351 sq. ft.	1
C3	Single family residence	62,929 sq. ft.	6
C	Office	<u>220,192 sq. ft.</u>	<u>3</u>
		404,020 sq. ft.	<u>20</u>
Public:			
Streets		<u>45,952 sq. ft.</u>	
Total project area		<u>449,972 sq. ft.</u>	

* Not to be acquired

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 20, 2013

#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]

ACTION: **HELD 8-0**

NOTE: The item was docketed in response to requests from former Ald. Stewart on behalf of residents of Moulton Street and Colgate Circle. There were two urban redevelopment projects in Newton Lower Falls that began in the 1960s and continued into the 1970s. The project along Washington Street, which created the New Falls apartments and several office buildings was federally funded and the project which developed upper Moulton Street and Colgate Circle along with an office park was state funded. The Newton Redevelopment Authority was essentially the project manager for both projects. The current residents of Moulton Street and Colgate Circle believe that when the projects were undertaken the intent was to take both Moulton Street and Colgate Road as public ways and that as they were not taken at that time, the City should reconstruct the streets and accept them as public ways at the City's expense.

City Engineer Lou Taverna explained that City standards and state law require that all streets accepted as public ways have an egress onto a public way. Currently, the upper portion of Moulton Street and Colgate Circle do not meet this standard. There are two options for Moulton Street and Colgate Circle to become public ways. The first option is to accept all of Moulton Street as a public way. The first 200' of Moulton Street from Washington Street was accepted, as a public way in the 1970s. The next 200' of Moulton Street was not part of either redevelopment project and was not built to City standards for width when it was created in the 1920s. It has a 30' right of way layout. If the City were to accept the portion of Moulton Street that is now private, it would require a full-depth reconstruction of the private portion and property takings along the 200' that was not part of either project in order to meet the City's standards for public ways, which is a minimum of 40' for the right of way. The rough estimated cost for the reconstruction is between \$300,000 and \$600,000, which could result in a betterment assessment of approximately \$10,000 per property.

The second option would be to accept Cornell Street, Colgate Circle and a portion of Moulton Street, excluding the 200' of Moulton Street that cannot meet the standards for acceptance without property takings, as public ways. By accepting the Cornell Street as a public way, that portion of Moulton Street would then have an egress into a public way. The acceptance of Cornell Street would require agreement of at least 50% of the residents to become a public way and fund the cost of some type of paving. Cornell Street is in better shape than Moulton Street and would not likely need a full-depth reconstruction; therefore, the cost would be less, should mill and overlay be the recommended method.

John Ahern, 46 Moulton Street, stated that he does not believe that the Cornell Street residents would be interested in street acceptance. However, the owners of the properties along the 200' of Moulton Street that would require takings may be in favor of the takings in order to make Moulton Street a public way. The neighborhood will be holding a meeting and the residents of Cornell Street and Moulton Street will be consulted regarding street acceptance.

It was pointed out that it is the City's opinion that the residents should pay for the street acceptances but a case can be made that the City should fund the necessary reconstructions as the streets were supposed to become public ways as part of the redevelopment projects.

A motion to hold the item was made and supported by a unanimous vote. The Committee members asked for further historical information and better estimates for both options before the next discussion. In addition, the Committee would like to hear from property owners on both Cornell Street and the portion of Moulton Street that would require takings.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#173-13

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 29, 2013

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

RECEIVED
Newton City Clerk
2013 APR 29 PM 6:05
David A. Olson, CMC
Newton, MA 02459

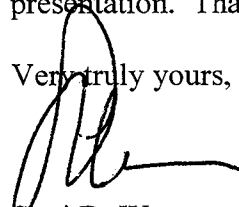
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the following appropriations and authorize a general obligation borrowing of an equal amount for the purpose of capital equipment for the Department of Public Works in accordance with the FY2014 Capital Improvement Plan.

<u>Item</u>	<u>Amount</u>
Street Sweeper	\$172,000
Backhoe	\$110,000

The department will be happy to discuss the need for these items during their budget presentation. Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

April 12, 2013

To: Mayor Setti D. Warren

From: David F. Turocy, Commissioner of Public Works

Via: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

Re: Request to Appropriate Funds for Capital Equipment

I write to request you docket with the Honorable Board of Aldermen to appropriate funds for the purchase of Capital Equipment for the Department of Public Works in accordance with the FY14 CIP.

The first piece of equipment to be purchased is a street sweeper for \$172,000. This vehicle is used on a daily basis for maintaining the cleanliness and safety of city streets in village and residential areas. It will replace a 2002 sweeper #146 that is in poor condition and requires conveyor belt repair or replacement. Due to the gritty environment in which these vehicles operate, the standard replacement schedule is 8 years.

The second piece of equipment to be purchased is a backhoe for \$110,000. This vehicle is used in daily construction activities for sidewalk and curbing maintenance, as well as snow removal operations in the winter. With a standard replacement life of 15 years, this vehicle is replacing a 1994 backhoe, #130, that was taken out of service this winter due to its deteriorated condition.

Please forward this request to the Board of Aldermen for their consideration.

cc: D. Wilkinson, Comptroller
R. Mendes, DPW Business Manager
R. Russell, Utilities Director