

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 3, 2012

7 PM
Room 209

THE FOLLOWING FOUR ITEMS ARE SCHEDULED FOR PUBLIC HEARING:

- #275-12 NATIONAL GRID petitioning for a grant of location to install and maintain 230' ± of 6" gas main in ELMWOOD STREET from the existing 3" gas main at Eldredge Street westerly to Baldwin Street and 255' ± of 6" gas main in BALDWIN STREET from the proposed 6" gas main in Elmwood Street southerly to 19 Baldwin Street. (Ward 1) [09/05/12 @ 2:38 PM]
- #276-12 NATIONAL GRID petitioning for a grant of location to install and maintain 90' ± of 6" gas main in COLUMBINE ROAD from the existing 6" gas main at 57 Columbine Road to 45 Columbine Road. (Ward 8) [09/05/12 @ 2:38 PM]
- #270-12 NATIONAL GRID petitioning for a grant of location to install and maintain 62' ± of 6" gas main in DEDHAM STREET from the existing 6" gas main at 127 Dedham Street to 135 Dedham Street. (Ward 5 & 8) [07/20/12 @ 1:46 PM]
- #277-12 NATIONAL GRID petitioning for a grant of location to install and maintain 90' ± of 4" gas main in NEAL STREET from the existing 4" gas main at Baker Place westerly to 19 Neal Street. (Ward 4) [09/05/12 @ 2:37 PM]

ITEMS SCHEDULED FOR DISCUSSION:

The Committee will meet jointly with the Programs & Services Committee on the below item:

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #302-12 HIS HONOR THE MAYOR, with the support of Ald. Rice, Crossley, Yates, Fischman, and Kalis, requesting authorization to execute a 99-year lease between the City of Newton and the Massachusetts Bay Transportation Authority (MBTA) for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]

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

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

Public Hearing to be assigned for October 17, 2012:

#301-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the Carr School Renovation Project. [09/24/12 @ 9:20 AM]

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.

#244-12 LEO D. SULLIVAN requesting an opportunity to make a presentation on a Community Choice Aggregation Program to lower the electric power rates for residents of Newton. 06/22/12 @ 1:36 PM

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES COMMITTEES

#231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for “garbage,” which is addressed in Sec. 11-5.

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]

#99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees, playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]

#98-12 ALD. SALVUCCI AND CICCONE requesting an update on the new water meter installation project and information on how the meters and related equipment are functioning. [03-27-12 @ 9:06 AM]

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.
A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
[01/24/12 @ 8:07 AM]

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

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

- #413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @11:07 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]
- #352-11 ALD. JOHNSON & SCHNIPPER requesting a discussion with the Utilities Department regarding the City of Newton's current water billing practices. [10/14/11 @ 2:31 PM]
- #172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]
- #139-11 ALD. LINSKY, DANBERG & SALVUCCI proposing that §26-71, 26-72 and 26-73, **Sidewalk construction requested by owners, Materials for sidewalk construction, and New curbing installation**, respectively, be amended to extend participation in the betterment program to property owners who voluntarily pay the residual 50% of the costs over time in addition to the 50% initial payment provided under the ordinance. [04-27-11 @9:38 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 PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

#244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @ 12:18 PM]

#223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

#175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @ 10:30 PM]

#253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:

- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
- (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
- (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;

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

Respectfully submitted,

Anthony J. Salvucci, Chairman

CITY OF NEWTON
MASSACHUSETTS

#275-12

PETITION for GRANT OF LOCATION

To the Petitioner:

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

Grant of Location Process:

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

RECEIVED
 Newton City Clerk
 2012 SEP -5 PM 2:37
 David A. Johnson, CMC
 Newton, MA 02459

Questions may be directed to:

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

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

Address 40 SYLVAN RD.
WALTHAM MA 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERM. + REPRESENTATIVE

Signature [Signature] Date 9-5-12
Person filing application

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

DESCRIPTION OF PROJECT: to be completed by petitioner

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

To install and maintain approximately 230 feet more or less of 6 inch gas main in Elmwood St, Newton, From the existing 3 inch gas main at Eldredge St, Westerly to Baldwin St and approximately 255 feet more or less of 6 inch gas main in Baldwin St. From the proposed 6 inch gas main in Elmwood St, Southerly to House #19. All of which to replace and abandon the existing 3 inch gas main in Elmwood St and the existing 6 inch gas main in Baldwin St, Newton

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

Title of Plan 22-29 ELMWOOD ST NEW Date of plan 8-2-2012

f 4-19 BALDWIN ST

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Later

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

Plans Submitted:

Certified Plot Plan

Stamped Plans

DAVID A. OLSON, CMC
Newton, MA 02459

2012 SEP - 5 PM 2: 38

RECEIVED
Newton City Clerk

DATE AND COMMENTS:

9/10/12

RECOMMENDATIONS

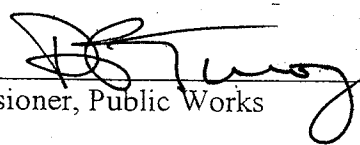
- 1. Street opening permit required from City of Newton
- 2. Notify Engineering 48 hours prior to work.
- 3. Police detail required

- 1. 36" minimum cover on all trenches
- 2. Backfill shall be 95% compaction
- 3. Bituminous concrete roadway shall be replaced in kind to City of Newton Specifications
- 4. Concrete sidewalk panels and granite curb damaged shall be replaced in kind and grade to City of Newton Specifications
- 5. Trees shall be protected from any damage.
- 6. Traffic shall be maintained.

Louis M. Tavena

9/12/12

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

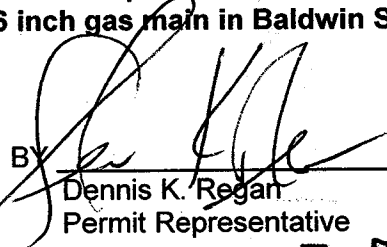
9/12/12
Date

City of Newton/ Board of Alderman:-

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

To install and maintain approximately 230 feet more or less of 6 inch gas main in Elmwood St, Newton, From the existing 3 inch gas main at Eldredge St, Westerly to Baldwin St and approximately 255 feet more or less of 6 inch gas main in Baldwin St. From the proposed 6 inch gas main in Elmwood St, Southerly to House #19. All of which to replace and abandon the existing 3 inch gas main in Elmwood St and the existing 6 inch gas main in Baldwin St, Newton

DATE August 27, 2012

BY 
Dennis K. Regan
Permit Representative

ORDER FOR GAS MAIN LOCATION

RECEIVED
Newton City Hall
2012 SEP -5 PM 2:38
David A. Olszewski
City Clerk
Newton, MA 02451

City of Newton/ Board of Alderman:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the **City of Newton** substantially as described in the petition dated August 27, 2012 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

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

Dated this _____ day of _____, 20 ____.

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

BY _____

Title

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

Final Label Report

275-12

SBL	Owner	Number	Street	Unit
72002 0005	REYNOLDS ENES P	4-6	BALDWIN ST	
72001 0011E	PANZA MICHAEL	9-17	BALDWIN ST	11A
72001 0011A	NEWTON HOUSING AUTHORITY	9-17	BALDWIN ST	9A
72001 0011B	LEM ANTHONY J	9-17	BALDWIN ST	9B
72001 0011D	CHUONG TANG	9-17	BALDWIN ST	9D
72001 0011F	PEZEL VLADIMIR & ALEKSANDRA	9-17	BALDWIN ST	11B
72001 0011G	MICHAELSON CLIFFORD	9-17	BALDWIN ST	11C
72001 0011H	GIANOUKOS VASILCIOS J	9-17	BALDWIN ST	15A
72001 0011I	ZOURDOS DIMITRIS	9-17	BALDWIN ST	15B
72001 0011J	MINKER DAVID J	9-17	BALDWIN ST	15C
72001 0011K	NEWTON HOUSING AUTHORITY	9-17	BALDWIN ST	17A
72001 0011L	CHEN CHIA SHU	9-17	BALDWIN ST	17B
72001 0011M	MARMER CINDY K	9-17	BALDWIN ST	17C
72001 0011C	ZHANG XI	9-17	BALDWIN ST	9C
72002 0004	CHEN LIQIN	12	BALDWIN ST	
72001 0009	ISRAEL JUDITH T	19	BALDWIN ST	
72001 0012	400 CENTRE STREET LLC	400	CENTRE ST	
72003 0002	LEAF MICHELE D	4	ELDREDGE ST	1
72003 0002A	ROSEN JANET B	4	ELDREDGE ST	2
72003 0001	FAHEY ELIZABETH M	8	ELDREDGE ST	
72002 0002	MOLLOW BENJAMIN R	9	ELDREDGE ST	1
72002 0002A	KORNETSKY DAVID M	9	ELDREDGE ST	2
72003 0005	FIRST UNITED PRESBYTERIAN CHURCH	20	ELDREDGE ST	
71034 0006	M&P PARTNERS II LLC	9-11	ELMWOOD ST	
71034 0007	M&P PARTNERS II LLC	15-17	ELMWOOD ST	
72002 0001	DOUCOT JESSICA	22-24	ELMWOOD ST	
71034 0008	M&P PARTNERS II LLC	23-25	ELMWOOD ST	
71034 0009	M&P PARTNERS II LLC	29-31	ELMWOOD ST	
71035 0020D	SCHOONOVER SARAH J	22	PARK ST	5
71035 0020C	KANG MELISSA AND WILLIAM TE	22	PARK ST	4
71035 0020B	TYAGI VIRAJ TR	22	PARK ST	3
71035 0020A	HON CLIVE K	22	PARK ST	2
71035 0020	AYLAS PATRICIA	22	PARK ST	1
71035 0020E	DURELL NOAH A	22	PARK ST	6
71035 0019	ZOFFREO JOHN & ELEANOR	28	PARK ST	
71035 0018	STANTON JUDITH	34	PARK ST	
71035 0015	OBRIEN STEPHEN J TR	40-46	PARK ST	
72003 0003	CHAN MARIA SAU YUE	41	PARK ST	
72003 0004	NORTHEASTERN FAMILY INSTITUTE INC	47	PARK ST	
71035 0014	CHATTERJEE SUPRABHAT & BANI	54	PARK ST	
72001 0008	JONES KEITH M & KIRBY ALISON J	109	VERNON ST	
72001 0007A	YONG SHELDON Y & TINA K	117-119	VERNON ST	2
72001 0007	YOUNG DAVID K & KRISTAN	117-119	VERNON ST	1

CITY OF NEWTON
MASSACHUSETTS

#276-12

PETITION for GRANT OF LOCATION

To the Petitioner:

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RECEIVED
NEWTON CITY CLERK
DAVID A. GIBSON, CLERK
NEWTON, MA 02459
30 SEP 5 2:36 PM

Grant of Location Process:

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

Questions may be directed to:

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

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

Address 40 SYLVAN ST.
WALTHAM MA

Phone Number 617-293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature [Signature] Date 9-5-12
Person filing application

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

II. DESCRIPTION OF PROJECT: to be completed by petitioner

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

To install and maintain approximately 90 feet more or less of 6 inch gas main in Columbine Rd, Newton.
From the existing 6 inch gas main at House # 57 Easterly to House #45 for a new gas service.

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:
Title of Plan 45 COLUMBINE RD. Date of plan 8-15-12

NEWTON MA

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

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

Plans Submitted:

Certified Plot Plan

Stamped Plans

RECEIVED
Newton City
2012 SEP -5
David A. O'Shea
Newton, MA

DATE AND COMMENTS:

9/10/12

RECOMMENDATIONS

- 1. 36" min in new cover on top of trench
- 2. Backfill shall be 95% compacted

1. Street opening permit required from City of Newton	3. Bituminous concrete sidewalk shall be replaced in kind to City of Newton Specs.
2. Notify Engineering 48 hours prior to work	4. Concrete sidewalk panels and curbing damaged shall be replaced in kind and grade to City of Newton Specs.
	5. Trees shall be protected from any damage.
	6. Traffic shall be maintained.

Luis M Terena 9/12/12

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

[Signature]
Commissioner, Public Works

9/12/12
Date

City of Newton/ Board of Alderman:-

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

To install and maintain approximately 90 feet more or less of 6 inch gas main in Columbine Rd, Newton. From the existing 6 inch gas main at House # 57 Easterly to House #45 for a new gas service.

DATE September 5, 2012

BY [Signature] Dennis K. Regan Permit Representative

ORDER FOR GAS MAIN LOCATION

City of Newton/ Board of Alderman:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the City of Newton substantially as described in the petition dated September 5, 2012 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

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

Dated this _____ day of _____, 20 _____.

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

BY _____

Title

RECEIVED Newton City Clerk 2012 SEP -5 PM 2:37 David A. Orlon, CMC Newton, MA 02459

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

Final Label Report

276-12

SBL	Owner	Number	Street	Unit
82019 0002	KERBY JOANIE LASHEIGH TR	11	COLUMBINE RD	
82041 0002	GOLD CANDY KOSOW	14	COLUMBINE RD	
82019 0003	PILAVIN JAMES D	21	COLUMBINE RD	
82041 0003	SHAPIRO JANET M TR	22	COLUMBINE RD	
82019 0004	KATZ PHYLLIS	29	COLUMBINE RD	
82041 0004	GLANZ MOLLIE S TR	30	COLUMBINE RD	
82019 0005	ALTMAN DAVID & CAROLINE	37	COLUMBINE RD	
82041 0005	ROSSOW HARRIET TR	38	COLUMBINE RD	
82041 0007A	DIAMOND DAVID A	44	COLUMBINE RD	
82019 0006	MANN NANCY	45	COLUMBINE RD	
82019 0007	MILBERG WILLIAM	50	FAIRHAVEN RD	
82041 0001	IVASHKO VLADIMIR & RAISA	42	OAK HILL ST	
82019 0001	KRASNER JAY	56	OAK HILL ST	

CITY OF NEWTON
MASSACHUSETTS

#270-12

PETITION for GRANT OF LOCATION

To the Petitioner:

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

Grant of Location Process:

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

RECEIVED
 NEWTON CITY CLERK
 2012 JUL 20 PM 1:46
 David M. Olson, CMC
 Newton, MA 02459

Questions may be directed to:

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

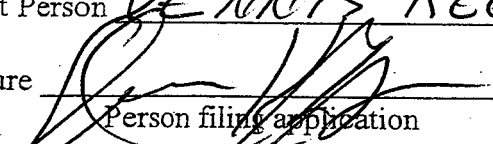
I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID.

Address 40 SYLVAN RD.
WALTHAM MA. 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature  Date 7-20-12

Person filing application

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

II. DESCRIPTION OF PROJECT: to be completed by petitioner

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

TO INSTALL AND MAINTAIN APPROXIMATELY 62 FEET MORE OR LESS OF 6 INCH GAS MAIN IN DEDHAM ST. NEWTON FROM THE EXISTING 6 INCH GAS MAIN AT HOUSE #127 EASTERLY TO HOUSE #135 FOR A NEW GAS SERVICE

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

Title of Plan 135 DEDHAM ST. NEWTON Date of plan 7-16-2012
MA.

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

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

Plans Submitted:

Certified Plot Plan

Stamped Plans

RECEIVED
NEWTON CITY ENGINEER
2012 JUL 20 PM
DAVID A. OISON
NEWTON, MA

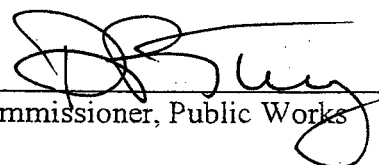
DATE AND COMMENTS:

7/31/12

RECOMMENDATION

1. Street opening permit required from City of Newton	3. Bituminous concrete roadways shall be replaced in kind to City of Newton specifications
2. Notify Engineering 48 hours prior to work	4. All bituminous concrete sidewalk and berm damaged shall be replaced in kind and grade to City of Newton specifications
3. Police detail required	5. Trees shall be protected from any damage.
L. Tarama 7/31/12	6. Traffic shall be maintained.

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

8/1/12
Date

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

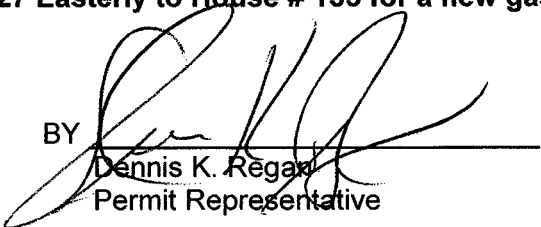
#270-12

City of Newton/ Board of Alderman:-

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

To install and maintain approximately 62 feet more or less of 6 inch gas main in Dedham St , Newton, from the existing 6 inch gas main at House # 127 Easterly to House # 135 for a new gas service.

DATE July 20, 2012

BY 
Dennis K. Regan
Permit Representative

ORDER FOR GAS MAIN LOCATION

City of Newton/ Board of Alderman:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the **City of Newton** substantially as described in the petition dated July 20, 2012 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

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

Dated this _____ day of _____, 20 ____.

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

BY _____

Title

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

RECEIVED
of
Newton City Clerk
2012 Jul 20 PM 1:46
David A. Olson, CMC
Newton, MA 02459

Final Label Report

270-12

SBL	Owner	Number	Street	Unit
83006 0016A	PECHAN PETER	10	ANDREW ST	
83005 0018	GOLUB HERBERT A & SYLVIA TRS	92	DEDHAM ST	
83006 0016	NELSON CAMILLE	95	DEDHAM ST	
83006 0015	ROHAN PATRICK J & JACQUELINE TIM TR	111	DEDHAM ST	
83005 0017	GREER JEAN E TR	112-116	DEDHAM ST	
83006 0014	ABOUHILAL FATEH	119	DEDHAM ST	
83005 0016	ALENGHAT FRANCIS J	120	DEDHAM ST	
83006 0013	REIF FRIDERIKA GOLDENSTEIN	127	DEDHAM ST	
83005 0015	PORRO SUSANA M TR	130	DEDHAM ST	
83006 0012	REIBSTEIN ROBERT H & LISA	135	DEDHAM ST	
83005 0014	FITZPATRICK WILLIAM D JR	140	DEDHAM ST	
83005 0013	REIF CHRISTINE	150	DEDHAM ST	
83005 0012	RODRIGUEZ LUIS C	156	DEDHAM ST	
83005 0011	PATTERSON HEIDE CHRISTINE	162	DEDHAM ST	

PETITION for GRANT OF LOCATION

To the Petitioner:

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

Grant of Location Process:

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

Questions my be directed to:

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

RECEIVED
Newton City Clerk
2012 SEP - 5 PM 2: 37
DAVID A. OLSON, CMC
NEWTON, MA 02459

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

Address 40 SYLVAN RD
WALTHAM MA

Phone Number 617 293-0480 Fax Number _____

Contact Person DENNIS REGAN Title PERMIT REPRESENTATIVE

Signature [Signature] Date 9-5-12
Person filing application

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

II. DESCRIPTION OF PROJECT: to be completed by petitioner

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

To install and maintain approximately 125 feet more or less of 4 inch gas main in Neal St, Newton. From the existing 4 inch gas main at Baker Pl, Westerly to House # 19 for a new gas service.

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

Title of Plan 19 NEAL ST Date of plan 8-28-12
NEWTON MA

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project

Major Project

Lateral

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

Plans Submitted:

Certified Plot Plan

Stamped Plans

RECEIVED
Newton City
2012 SEP -5 PM
David A. Olson
Newton, MA

DATE AND COMMENTS:

9/10/12

RECOMMENDATIONS

1. 36" minimum cover on all trench
2. Backfill shall be 4% compaction

1. Street opening permit required from City of Newton

2. Notify Engineering 48 hours prior to work

3. Police detail required

3. Cold plane and overlay Neal St. with 1 1/2" of bituminous concrete for 150'

4. Concrete sidewalk panels, concrete and granite curbs damaged shall be replaced in kind and grade to City of Newton Specifications

5. Trees shall be protected from any damage.

6. Traffic shall be maintained.

[Signature]
M. Terena 9/2/12

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

NEAL ST. WAS PAVED IN 2010. NATIONAL GRID SHALL COLD-PLANE AND PAVE NEAL ST. ENTIRE LENGTH OF GAS TRENCH CURB TO CURB.

[Signature]
Commissioner, Public Works

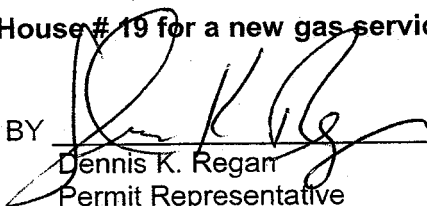
9/10/12
Date

City of Newton/ Board of Alderman:-

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

**To install and maintain approximately 125 feet more or less of 4 inch gas main in Neal St, Newton.
From the existing 4 inch gas main at Baker Pl, Westerly to House # 19 for a new gas service.**

DATE September 5, 2012

BY 
Dennis K. Regan
Permit Representative

ORDER FOR GAS MAIN LOCATION

City of Newton/ Board of Alderman:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the **City of Newton** substantially as described in the petition dated September 5, 2012 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

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

Dated this _____ day of _____, 20_____.

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

BY _____

Title

RECEIVED
Newton City Clerk
2012 SEP -5 PM 2:37
David A. Olson, CMC
Newton, MA 02459

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

Final Label Report

277-12

SBL	Owner	Number	Street	Unit
42029A0002	BARTZAK EDWARD L	5	BAKER PL	
42029 0025	KUPERWASSER BERNARD & BRIGITTE	4	NEAL ST	
42022 0018	HOU XIAO-LI	5	NEAL ST	
42022 0019	HARMS WILLIAM T & KATHLEEN P	11	NEAL ST	
42029A0001	COLLINS JOSEPH	18	NEAL ST	
42022 0020	HANSEN ALEXANDER C O	19	NEAL ST	



City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

September 24, 2012

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

Re: MBTA 99-year Lease for Needham Street Right-of-Way

Ladies and Gentlemen:

I am pleased to submit this request in collaboration with several of your colleagues on the Honorable Board of Aldermen. Aldermen Rice, Crossley, Yates, Fischman, and Kalis join me in requesting approval to allow me to enter into a 99-year lease with the MBTA for .97 miles of unused rail bed that runs parallel to Needham Street.

For almost a year, the Upper Falls Area Council has been engaging the community where this land exists, which culminated in a unanimous vote requesting the City acquire use of this land and develop a plan for its use. I submitted a letter of interest to the MBTA Board which voted authorization in July 2012 to allow the General Manager to enter into such an agreement with the City. The City's plan for its use is further described in Enclosure A, which is envisioned to convert an overgrown, unused rail bed to become a recreation resource for the citizens of Newton, especially those along the Needham Street corridor.

In many neighboring municipalities, the re-use of railway right-of-ways has been secured as miles of rail bed that have been abandoned are found to be an asset to the community for alternate multi-modal access. So much so, the MBTA has established a standard lease procedure under which to acquire use of this right-of-way which Newton is using. Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Encl.

RECEIVED
Newton City Clerk
2012 SEP 24 PM 5:00
David A. Olson, CMC
Newton, MA 02459

Proposal For a Long-term Lease of MBTA Right-of-Way

September 24, 2012

Purpose:

The City of Newton proposes to enter into a 99-year lease with the MBTA for recreational use of a .97 mile stretch of their right-of-way (ROW) which runs parallel to Needham Street in Upper Falls. The two legal documents supporting this initiative is the Draft Lease (available on-line on the Board of Aldermen's website under *Friday Packets*) with a synopsis provided in Attachment I, and a separate request for an appropriation to purchase environmental insurance.

Background:

The current abandoned rail corridor has a long history in Newton, at one time the Old Colony Rail Line connecting the Highland train station to Needham Heights, and subsequently leased by CSX for several years providing freight service to the Needham Street corridor. Most recently, it was abandoned as an active rail line and shut down. As the current owner, the MBTA has declared it surplus and like many sections of track across New England, has offered municipalities to enter into long-term lease for public, non-motorized use. Newton would be following the success of other communities such as Danvers, Saugus, Malden, Methuen, and several others, in the established procedure put forth by the MBTA for such approved uses.

With the creation of the Upper Falls Area Council in January 2012, one of the first agenda items was the adoption by unanimous vote of a request to the City to explore the potential for such a lease. Mayor Warren petitioned the MBTA Board of Directors which was approved in July 2012. Recent Administration staff work in collaboration with representatives of the community and Board of Aldermen, has yielded supporting legal documents for the designated use of the ROW. The intent is to convert overgrown and unused real estate in the short term into a recreational greenway for the benefit of the entire community. With the removal of the railroad ties and rails, a smooth stone dust path could provide both recreation opportunities and pedestrian access to Needham Street commercial district.

Preserving the potential use of this ROW for other future multi-modal transit is also an essential part of the vision for this corridor. Towards this end, the City has contracted with the Metropolitan Area Planning Council (MAPC) to study the potential for a bus-way with particular interest in constructing it alongside a recreational trail. The study will provide a basic understanding of their feasibility, benefits, and challenges to inform future decisions about the optimal use of the corridor. Some findings may apply to future discussions regarding a MBTA Green Line extension in this ROW.

Enclosure A

Proposal:

By entering into a long-term lease with the MBTA, the City proposes to convert the unused rail bed into a pathway as depicted in Attachment II. By recycling the steel in the abandoned rails, a non-profit organization used by other municipalities has indicated they will remove the railroad ties, rails overgrown brush, and install a stone dust over the ballast base material. Additionally, the money from the steel would also allow for modest amenities such as benches, signage, and trash receptacles. Such work would be performed under a separate contract after the lease is secured and following procurement procedures.

The only cost for this kind of design is the up-front cost of environmental insurance. Due to the potential for contaminants in the ballast from the many years of use by trains on the rail bed, environmental insurance is proposed to be purchased in the amount of \$3M for a 5 year policy to protect the financial interests of the City in the event such hazardous materials are discovered and require mitigation.

Advantages:

Currently the abandoned corridor is overgrown, difficult to navigate on foot, and littered by broken glass or abandoned property throughout. Converting the land to usable and attractive space stands to improve the activity in this area by encouraging recreational exercise and begin to unlock the high potential for business in the commercial district. Further along the ROW, Needham, Dover, and Medfield are also exploring the use of this rail bed on a 7 mile section of ROW. In Newton, this pathway is about a mile long, intersected only at one point by a public roadway (Oak Street), thus providing a recreational resource to a community that has few alternative options. In time, it may be possible to make connections to other parks such as the Braceland Playground or the pathways along the Charles River maintained by the Department of Conservation and Recreation.

Enhancing this area for active public use, would tend to discourage illicit behavior that can currently occur undetected. In time, it could enhance business activity not only that oriented on Needham Street but a “second frontage” through such access. Other than the optional environmental insurance, there is no up-front cost to the City with minimal foreseen risk moving forward.

Next Steps/Timeline:

Upon approval by the Board of Aldermen, the Mayor would be authorized to enter into a lease with the MBTA and solicit a contractor for the rail/ties removal. It is anticipated that final completion of the conversion to a pathway will be on the order of a year’s time. Concurrently, the MAPC study will be completed to inform final design considerations.

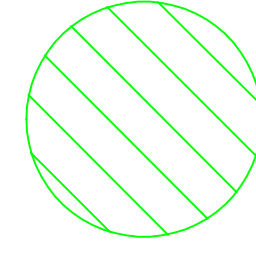
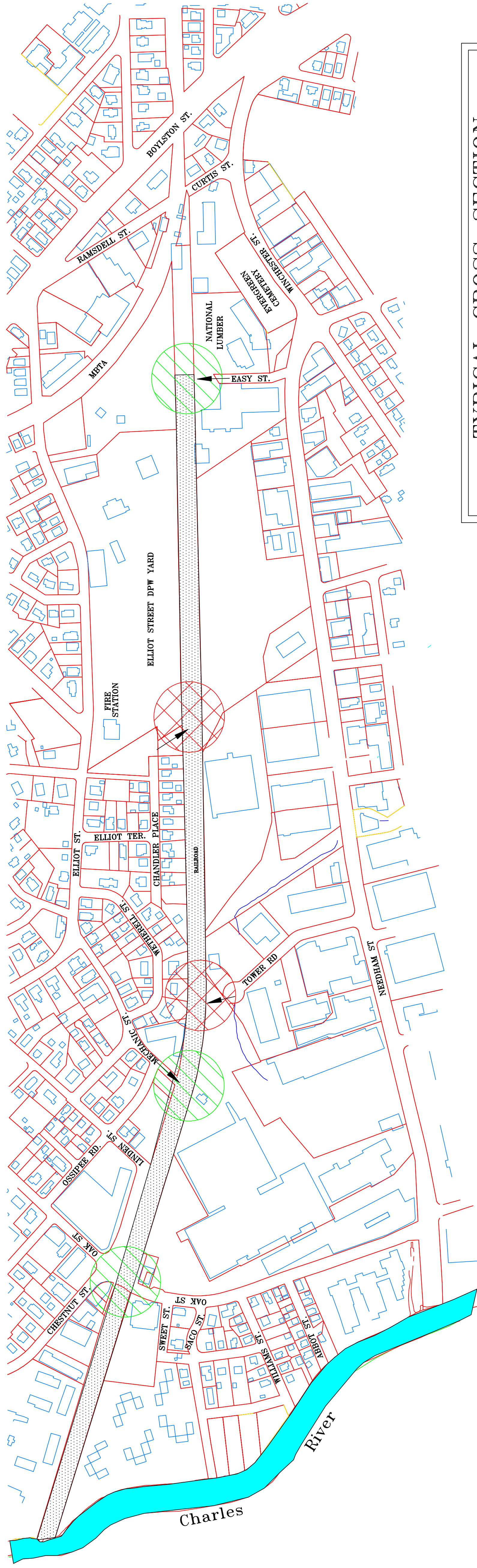
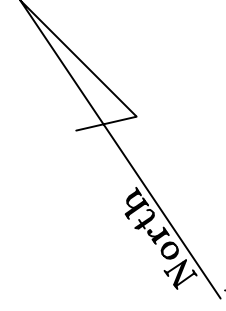
**CITY OF NEWTON
LAW DEPARTMENT
MEMORANDUM**

DATE: September 24, 2012
TO: Robert R. Rooney, Chief Operating Officer
FROM: Robert J. Waddick, Assistant City Solicitor
RE: Rail-trail/Greenway Project-MBTA Lease

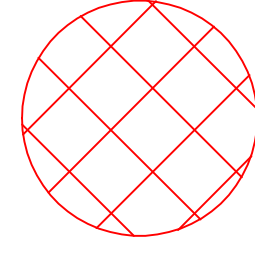
The following is a brief summary of the key terms and conditions of the proposed lease between the City of Newton and the MBTA:

- 99-year lease of a railroad right-of-way that runs from the Newton/Needham line (at Charles River) to a point just beyond the National Lumber property (vic Easy Street). The right of way runs parallel to Needham Street.
- Within right-of-way the City shall designate and construct a corridor for bicycle, pedestrian and other non-motorized public transportation, recreation and associated purposes, free of charge.
- City obligated to follow Best Management Practices promulgated by the Massachusetts Department of Environmental Protection during the development of the corridor.
- Design of corridor subject to MBTA approval.
- City shall maintain the right-of-way during the term of the lease.
- City's self-insured status shall satisfy insurance requirements under the lease, except that City shall obtain environmental insurance.
- MBTA may terminate the lease upon two (2) year's written notice to the City and may terminate non-corridor portions of the lease upon one (1) year's written notice.
- No reimbursement for early termination by the MBTA
- MBTA assumes no warranty and City accepts all risk of entry

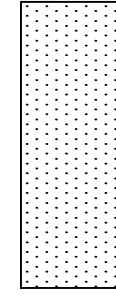
Proposed Greenway & Multi-Modal Corridor



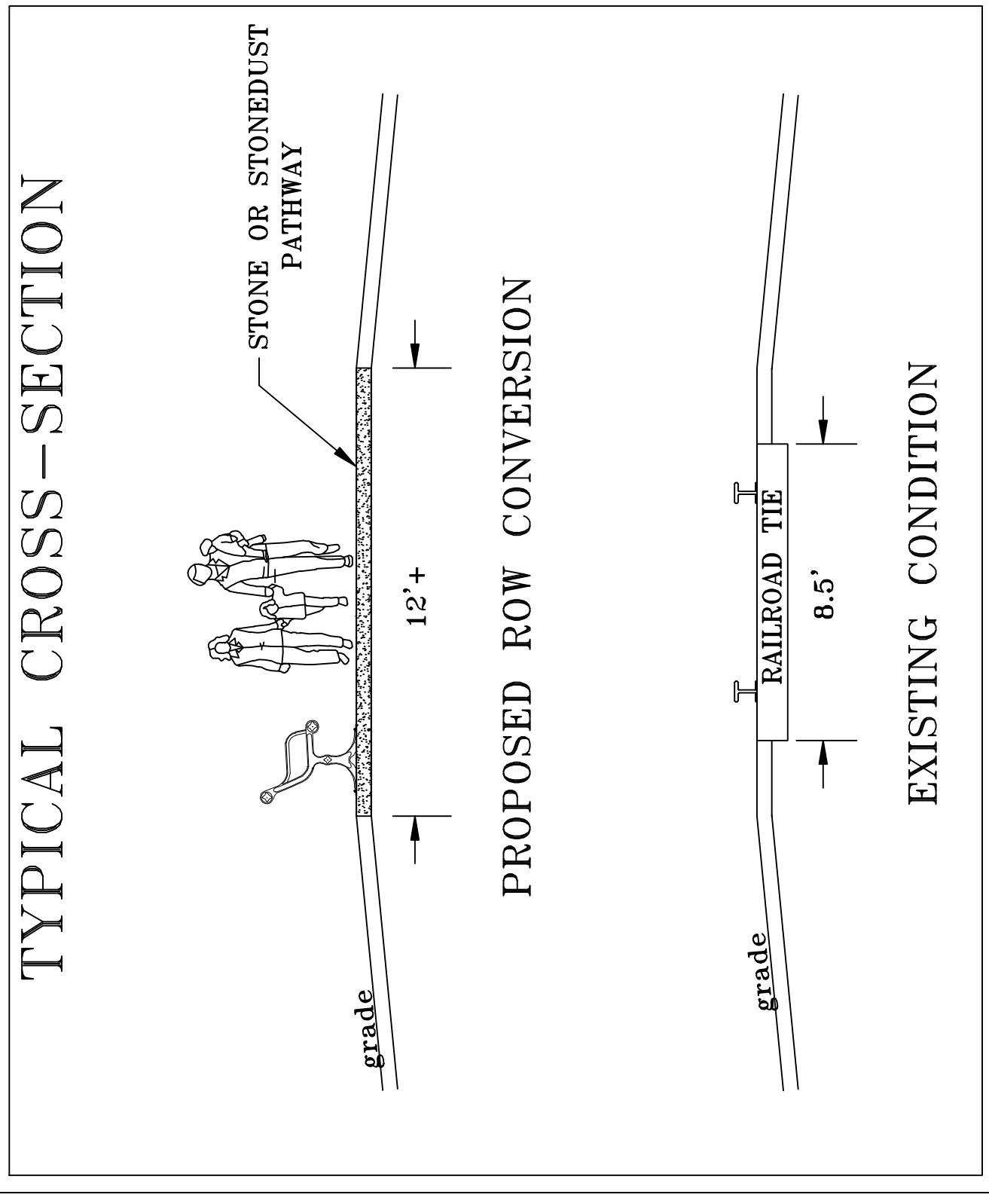
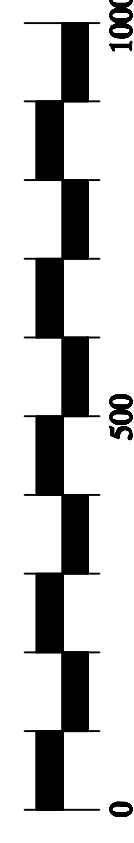
ACCESS POINTS



EMERGENCY ACCESS



MBTA RIGHT-OF-WAY



MASSACHUSETTS
WALKWAY SYSTEM

DESIGNED BY: [Signature]
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

concrete wearing surface. Wherever required on driveway and driveway entrances, the wearing course shall be of greater thickness than the sidewalks, but in no case shall the gravel base be less than six (6) inches in depth. (Rev. Ords. 1973, § 19-89)

Sec. 26-69. Heating wires in sidewalks and driveway entrances; permission; approval of plans; rules and regulations.

Upon petition of any owner of an estate, the commissioner of public works, may, after a plan therefor has been approved by the inspector of wires, grant permission for the installation of heating wires in sidewalks and driveway entrances in accordance with rules and regulations for such installations promulgated under the authority hereof by the commissioner of public works and approved by the board of aldermen and in accordance with such terms and conditions as the commissioner of public works shall see fit to impose for the protection of the general public and public property. The expense of such installation, including all necessary excavation and repaving, whether or not performed by the city, shall be borne by the owner of such estate. (Rev. Ords. 1973, § 19-90; Ord. No. 90, 10-6-75)

Sec. 26-70. Sidewalk construction; when to be initiated by city.

(a) Whenever the city undertakes reconstruction of a public way which serves as either an arterial or collector roadway, such project shall include at the sole expense of the city, the construction of sidewalks at all locations within the project area where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c). The word “reconstruction” shall be interpreted herein to mean any roadway improvement project which includes pavement reclamation or milling. The terms “arterial” and “collector” in this and the following section, shall be interpreted to mean those terms as used in the standards of the American Association of State Highway and Transportation Officials or any similar organization.

(b) The city shall construct sidewalks at its sole expense subject to the availability of funding at all locations which are included on a list of sidewalk snow clearing routes published by the commissioner of public works pursuant to section 26-8A of these ordinances and where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c).

(c) No sidewalks shall be constructed under this section at those locations where the commissioner of public works determines that construction of a sidewalk is not feasible due to steep grade, site constraints, lack of use, inadequate width of the public way right-of-way or public safety reasons.
(Ord. No. S-324, 5-2-88; Ord. No. V-84, 6-3-96)

Sec. 26-71. Sidewalk construction requested by owners.

(a) Whenever the owner of an estate abutting on a public way requests that a sidewalk be constructed abutting such estate, the city may construct such sidewalk. The commissioner of public works shall receive the petitions of owners requesting the construction of sidewalks and shall prioritize them as follows:

First priority: Requests for sidewalk construction

- (1) on any arterial or collector roadway where there are not existing cement concrete or bituminous concrete sidewalks; or
- (2) at any location that may be deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians; or
- (3) on any public way which is being resurfaced or reconstructed; or
- (4) on an established pedestrian route to a heavily used destination such as a village center, school, bus stop,

train station, or recreation area.

Second priority: Requests for sidewalk construction at locations where sidewalks already exist on approximately fifty percent (50%) or more of the same side of the public way;

Third priority: All other requests for sidewalk construction.

(b) The owner of the abutting estate shall pay fifty percent (50%) of the total cost of sidewalks constructed under this section in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83, § 26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction;
- (3) notwithstanding the provisions of (2) above, in the event that such a sidewalk is constructed together with a curbing installation pursuant to section 26-73(b), and the owner's fifty percent (50%) share for the sidewalk and curbing costs totals five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount.

(c) For those requests for sidewalk construction which are prepaid, the commissioner of public works shall proceed with the construction, subject to availability of funding and in accordance with subsection (d). For those sidewalk construction requests which are not prepaid, the commissioner, acting in accordance with subsection (d), shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(d) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (c) shall be taken in accordance with the priorities assigned pursuant to subsection (a), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received.

(e) Requests for replacement of an existing bituminous concrete or cement concrete sidewalk which is in good condition with a material which is different from the existing material shall not be approved unless (1) the replacement sidewalk would match the prevailing material of the existing sidewalks on the public way and (2) the owner pays the full construction costs to the city prior to construction or receives a permit from the commissioner of public works for a private contractor to construct the replacement sidewalk at the owner's sole expense. (Ord. V-84, 6-3-96)

Section 26-72. Materials for sidewalk construction.

(a) All sidewalks hereinafter constructed shall consist of either bituminous concrete or cement concrete in accordance with the provisions of section 26-47(c).

(b) The material used at a particular location should match the prevailing material of the existing sidewalks on the public way, as determined by the commissioner of public works. (Ord. V-84, 6-3-96)

Section 26-73. New curbing installation.

(a) Whenever the city undertakes reconstruction of a public way such project shall include the installation of curbing at those locations that the commissioner of public works determines to require curbing for the purpose of

public safety or drainage. The installation of curbing pursuant to this subsection (a) shall be at the sole expense of the city.

(b) Whenever the owner of an estate abutting on a public way requests that curbing be installed abutting such estate, the city may install such curbing. The commissioner of public works shall receive the petitions of owners requesting the installation of curbing and shall prioritize as follows:

First Priority: Request for curb installation

- (1) on any portion of an arterial or collector roadway, where there is not existing curbing; or
- (2) at any location that is deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians and/or motorists; or
- (3) to alleviate drainage or erosion problems, or where the steepness of the slope of the public way is 3% or greater.

Second Priority: Requests for curb installation at locations where curbing already exists on approximately fifty percent (50%) or more of the same side of the public way.

Third Priority: All other requests for curbing installation, except at those locations where the commissioner of public works determines that such curbing would serve no public purpose.

(c) Whenever curbing is installed pursuant to subsection (b), the owner shall pay fifty percent (50%) of the total cost thereof in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction, except as otherwise provided in section 26-71(b)(3).

(d) For those requests for curbing which are prepaid, the commissioner of public works shall proceed with the installation, subject to availability of funding and in accordance with subsection (e). For those curbing installation requests which are not prepaid, the commissioner of public works, acting in accordance with subsection (e) shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(e) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (d) shall be taken in accordance with the priorities assigned pursuant to subsection (b), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received. (Rev. Ords. 1995, Ord. No. V-84, 6-3-96)