

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 6, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile and Danberg

Absent: Ald. Crossley and Lappin

Also present: Ald. Sangiolo, Shapiro, and Swiston

City staff: John Daghlia (City Engineer), David Turocy (Deputy Commissioner of Public Works), Marc Welch (Director, Urban Forestry), Bruce Proia (Assistant Fire Chief), Robert Rooney (Chief Operating Officer) Clint Schuckel (Traffic Engineer), Jim Danila (Transportation Engineer), and David Koses (Transportation Planner)

#268-10 24 PINE LLC, GARY & LINDA SCHMITT, requesting Construction of Main Drain, Common Sewer and Water Main in Evergreen Circle, a proposed subdivision road and a portion of Subdivision Lots 1 and 2 from the existing utility services on Pine Street 400' \pm southerly to the proposed private way. Ward 4 [09-24-10 @ 2:18 PM]

PETITIONER TO PAY ENTIRE COST

ACTION: APPROVED 5-0 (Danberg not voting)

NOTE: John Daghlia, Associate City Engineer, reviewed the petition with the Committee. The petition is a request for the construction of a main drain, sewer, and water main to provide these utilities to a 5-lot subdivision, which was approved by the Planning Board acting as the Board of Survey on Monday, October 4, 2010. The developer will pay the entire cost of the installation of the utilities.

The Engineering Division of Public Works reviewed the plans and recommends extending the water main and taking an easement for the maintenance of the main. However, the sanitary sewer system does not meet the City's minimum construction standard of a 2% slope. In order to get the minimum 2% pitch, the developer would need to raise the road three feet, which would require that the developer install retaining walls on the five lots. The abutters to the project are opposed to the addition of retaining walls, as the neighborhood is already dense and the walls would make it even denser. Therefore, the City will consider the sewer connection a private service connection and the maintenance of the sewer will be the responsibility of the homeowners association.

The public hearing was opened and no one spoke for or against the petition. Committee members were concerned that the pitch of the sewer pipe did not meet the construction standard. G. Michael Peirce, the attorney representing the current property owners, stated that the developer and property owners have worked hard to reach a compromise with the abutters regarding the sewer system in an effort to make the project more palatable to the abutters. The abutters are very opposed to any retaining walls and the elimination of the walls allow for further landscaping around the project. Attorney Peirce has received assurances from the developer's engineer, who designed the system, that the sewer will work well. Ald. Gentile commended the

petitioner's attorney and the developer for working with the abutters to negotiate and reach compromises regarding development of the subdivision. Although the proposed sewer service is not ideal, it is the result of compromise.

The homeowners association will also own and maintain the drainage system for the subdivision. Mr. Peirce is meeting with the Law Department as the Planning Board has recommended that a fund be established to address drainage problems if they occur and the homeowners association neglects to address the problems. Prospective buyers interested in the subdivision properties will be made aware of the maintenance responsibilities associated with the purchase before entering into a purchase and sales agreement.

Ald. Lennon stated that he had received two unsigned letters from the neighborhood urging the Board of Aldermen not to approve the project. Ald. Gentile stated that the letters are in opposition of the development of the sub-division and not the construction of utilities. It was not the Board of Aldermen's responsibility to approve or deny the development. Ald. Gentile moved approval of the item and the acceptance of an easement for the water main, which carried unanimously.

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

ACTION: **HELD 4-0 (Albright and Danberg not voting)**

NOTE: The Chair explained that National Grid would not be joining the Committee for discussion of the item at the request of the Executive Department. The Mayor is planning on meeting with National Grid regarding all gas leaks. There has been an uptick in calls reporting gas leaks both in residences and outside. Any gas leak requires follow up and a response from National Grid. Leaks that are outside, or considered not dangerous, do not get an immediate response from the gas company.

The City has entered into an agreement with Massachusetts Shade Tree Trust to document outside gas leaks. The Trust has nearly completed their survey and will be providing the City with a report within the next couple of weeks. At this point, the Trust has documented close to four hundred outside leaks. The Trust has been working with a number of communities including the Town of Brookline, where the study has been completed. Brookline is currently seeking restitution from National Grid for the damage to their trees.

Assistant Chief Proia stated that the Fire Department averages about one hundred calls reporting gas leaks a year. The Fire Department responds to each of them with a gas meter to determine the level of gas. Gas is only flammable in the 4 to 14% range; therefore, the Fire Department calls the gas company immediately if the measurement is close to 3% and the gas company responds immediately whenever there is a safety concern. The Fire Department also checks basements in the area of a leak to be sure that the leak is not coming from a home creating a greater safety concern.

The Chair asked that the Committee be notified when the report from the Massachusetts Shade Tree Trust is complete. The Committee would like to work with the Executive

Department to address the safety issues associated with gas leaks. The item was held until the report is available.

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]

PS&T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 6/9/10

ACTION: **HELD 6-0**

NOTE: See below note for further information on the item, as they were discussed in conjunction.

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks, and speed humps, regardless of dimension. [01/20/10]

PS&T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 6/9/10

ACTION: **HELD 6-0**

NOTE: Traffic Engineer Clint Schuckel provided the attached PowerPoint presentation and draft ordinance on the proposed rescission of Section 19-99(b) related to speed humps and amendment to the ordinances to include vertical deflections such as raised intersections, raised crosswalks, and speed humps. The Committee met jointly with the Public Safety and Transportation Committee on June 9, 2010. The Public Safety and Transportation Committee approved both the rescission and amendment, but the Public Facilities Committee held the item for a draft ordinance.

The Committee reviewed the ordinance. The Chairman was concerned that there is no dedicated funding mechanism for traffic calming measures. If the Board approves traffic calming for a neighborhood, the neighborhood will expect the traffic calming to be installed and it will not be without funding. The Chairman added that she would prefer the installation of traffic calming to be a professional decision rather than a political decision. Ald. Lennon would like to see an administrative review of proposed traffic calming before getting a neighborhoods' expectations up. Mr. Schuckel stated that proposed traffic calming measures would be required to meet certain criteria before moving forward. The Department of Public Works would check the qualifying criteria and return a petition if the criteria is not met. Ald. Lennon is not clear on which of the Board Committees would review any proposed traffic calming. He realizes that the proposed amendment is related to the construction of streets, which would fall under the Public Facilities Committee but it may be more appropriate for the Public Safety and Transportation Committee to review traffic calming because it is a safety measure.

There was some discussion of tying traffic calming measures to scheduled street paving each year. Committee members inquired if there has been any analysis by the traffic engineers or traffic planner of areas that should have traffic calming. Mr. Schuckel stated that he could come up with a list. Traffic Planner David Koses stated that the Transportation Advisory

Committee has recommended that the City take a more proactive approach to traffic calming; therefore, he has started to come up with a list of suitable traffic calming areas. Mr. Danila added that he is planning to look at traffic calming projects in relationship to the upcoming paving season.

Ald. Danberg moved hold to further review the draft ordinance language and prepare any proposed amendments. It will also give the Executive Department an opportunity to address a funding mechanism for traffic calming measures. Chief Operating Officer Robert Rooney stated that public safety is very high on the Mayor's agenda. It is possible that a portion of Chapter 90 funds could be used for traffic calming or some other mechanism like Free Cash could be used.

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **HELD 6-0**

NOTE: Traffic Engineer Clint Schuckel provided a brief update on the item. There are approximately 100 streetlights out of service. Of the 100 lights, 42 of the outages are due to an electrical problem between the manhole and light. Mr. Schuckel has not received any information from the Law Department concerning whether there is any agreement between the City and NStar regarding whose responsibility it is to repair faulty wiring located between the manhole and the pole. The City makes repairs to the streetlights as quickly as possible but cannot address the underground repairs. The City is supposed to be working with NStar to resolve the outages that the City cannot address but NStar has been very slow in responding. Mr. Schuckel would like to see the issue resolved as streetlight outages create safety issues. The Committee will request a progress update from the Law Department regarding the resolution of this issue. The item was held for an update and further information.

#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]

ACTION: **HELD 6-0**

NOTE: Ald. Schnipper and Ald. Gentile gave a brief update on the Newton North High School (NNHS) project. A window located in the pool area of the new high school was broken during a swim meet by a student slapping the glass. The glass did not shatter but did crack. The window is standard glass because it is not located in a high traffic area. The glass may have been defective or it was a freak accident, which would be unlikely to occur again. The construction team is continuing to investigate the reason for the break. There has been discussion about placing a safety film on the windows but that may cause an issue with the warranty on the windows. The School Department and contractor will be watching carefully to make sure that it does not occur again.

The City has applied for two waivers from the Architectural Access Board. The one regarding the height of several of the sinks was granted. The second waiver pertains to the automotive lift controls. The controls are 5' from the floor and not accessible from a wheelchair. However, the construction team is not aware of any control that is lower as it would create a safety issues. The city will appeal the decision not to grant the waiver.

An additional abatement crew has been added to make up for lost time due to the discovery of a small amount of mercury in the laboratory drains. The extra crew will allow the building to be abated two sections at a time. It is expected that the demolition machines will arrive the last week of November to begin taking down the building.

Chief Operating Officer Robert Rooney informed the Committee that the Department of Environmental Protection (DEP) visited the site today and ordered a work stoppage for not using removal techniques that were approved by the DEP. Apparently, the DEP approved an expedited removal process, which the construction team had been applied for but was unaware had been approved. Therefore, the standard removal process was in place. There were additional minor operational issues that must be addressed before the DEP returns on Tuesday, October 12, 2010. Until the DEP gives its approval the team cannot work in the containment area of the demolition.

Respectfully submitted,

Sydra Schnipper, Chairman

10/15/2010

1. Existing Ordinance Text

City Ordinance 19-99. Speed humps—designated streets

(a) Speed humps shall be installed and maintained upon the following streets:

Clark Street, entire length.

Tyler Terrace, entire length.

(b) No other street shall be considered for the installation of speed humps.

(c) Signs or other warning devices advising approaching motorists of the presence of speed humps shall be installed and maintained in connection with existing speed humps.

(Ord. No. S-274A, 11-16-87; Ord. No. V-172, 5-4-98)

Proposed Ordinance Text

[Section deleted]

10/15/2010

2. Existing Ordinance Text

Sec. 26-51. Public way improvements constituting specific repairs.

Major construction work on public ways that falls within one or more of the subsections below shall be deemed "specific repairs" which require approval by the board of aldermen pursuant to the provisions of G.L. c. 82, § 17:

(a) design changes which would result in a change of the flow of vehicular traffic, such as adding or deleting a traffic island or changing the width of the roadway portion of a way so as to result in a deletion or addition of one or more travel or turning lane(s);

(b) work that is privately funded and estimated by the city engineer to cost a sum greater than one hundred thousand dollars (\$100,000.00).

(Ord. No. U-20, 6-6-94; Ord. No. X-69, 12-15-03)

Proposed Ordinance Text

Sec. 26-51. Public way improvements constituting specific repairs.

Major construction work on public ways that falls within one or more of the subsections below shall be deemed "specific repairs" which require approval by the board of aldermen pursuant to the provisions of G.L. c. 82, § 17:

(a) design changes which would result in a change of the flow of vehicular traffic, such as adding or deleting a traffic island or changing the width of the roadway portion of a way so as to result in a deletion or addition of one or more travel or turning lane(s);

(b) Projects that include the addition, relocation, or removal of vertical deflections in a public roadway surface constructed for the primary purpose of reducing vehicle speeds. Such devices include, but are not limited to: speed humps, raised crosswalks, and raised intersections.

Prior to approval of projects under a) and b), the Board of Aldermen shall review the associated Traffic Council action and its consistency with Board policies set forth in Section 19-33a; and

(c) work that is privately funded and estimated by the city engineer to cost a sum greater than one hundred thousand dollars (\$100,000.00).

(Ord. No. U-20, 6-6-94; Ord. No. X-69, 12-15-03)

10/15/2010

3. Existing Ordinance Text

Section 19-29 Docketing of petitions

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

Proposed Ordinance Text

Section 19-29 Docketing of petitions; **determination of eligibility for hearing.**

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the following threshold standards shall be ineligible for further consideration for at least one year and not be added to the traffic council docket. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility.

(1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts;

(2) Petitions for school zones, truck exclusions, and speed limits shall meet the minimum standards established by the Massachusetts Department of Transportation; and

(3) Petitions for traffic calming measures shall meet all of the following standards:

i. traffic volume on the street is greater than 1,000 vehicles per day;

ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and

iii. for vertical deflections, street classification shall be minor collector or local street.

Public Facilities Committee

Wednesday, October 6, 2010

Docket Item Wording

- #196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]
- #196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflections: raised intersections, raised crosswalks, and speed humps, regardless of dimension. [01/20/10]



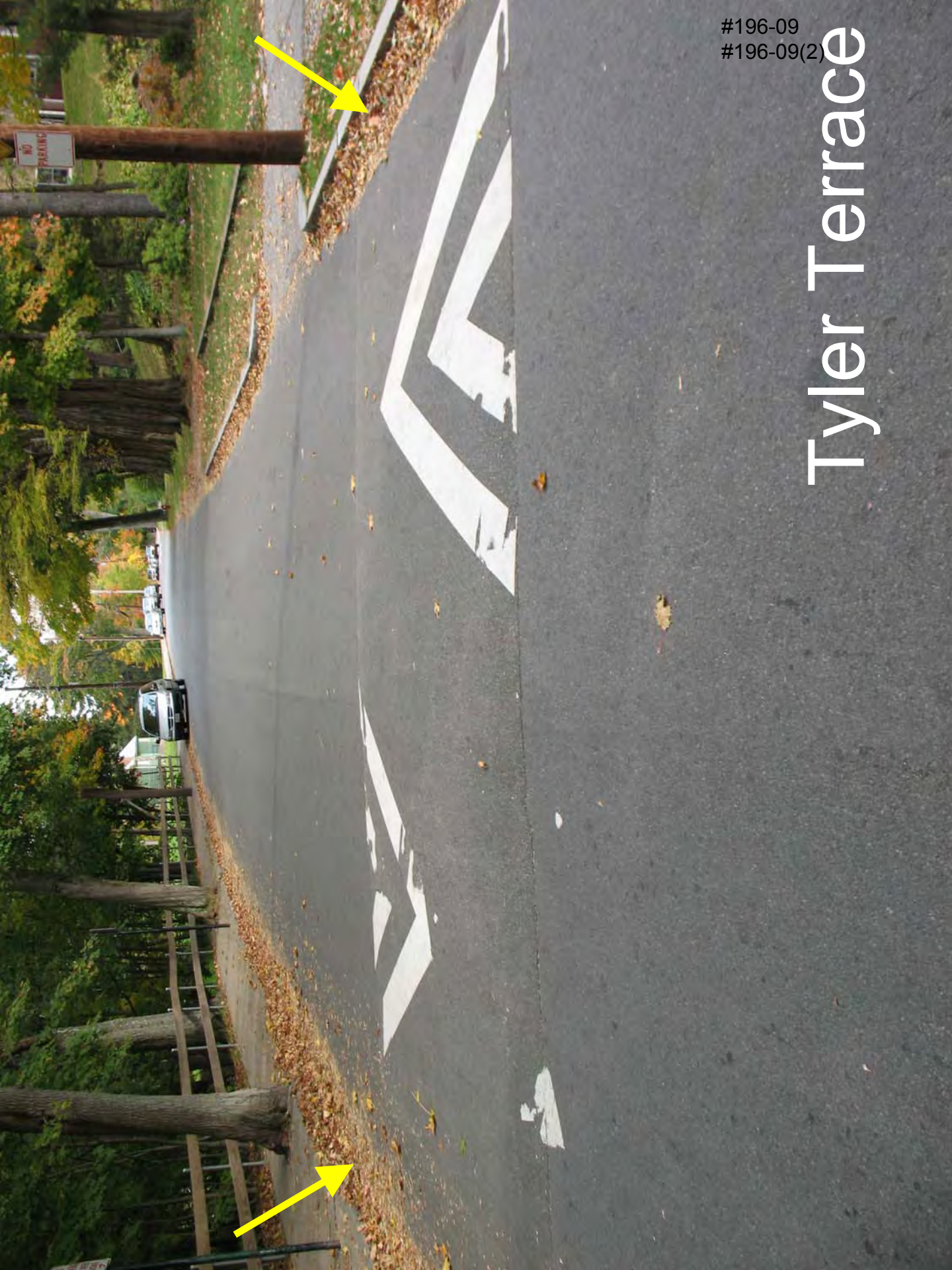
#196-09
#196-09(2)

Woodland Rd
@ Lake

Middlesex Rd near Devon



#196-09
#196-09(2)



#196-09
#196-09(2)

Tyler Terrace

Fuller St @ Dartmouth



#196-09
#196-09(2)

Docket Item History

- 6/17/09: Item filed by Ald. Sangiolo
- 10/13/09: PS&T Committee votes NAN 5-0
- 10/19/09: Full Board refers back to PS&T
- 1/20/10: PS&T straw poll 7-0-1 in favor of new ordinance that covers all vertical deflections constructed for the purposes of traffic calming
- 1/20/10: Docket # 196-09(2) created by PS&T
- 6/9/10: Joint PF-PS&T meeting, approved by PS&T, held by PF

3 Options (from 1/20/10 mtg)

1. Do nothing
2. Broaden 19-99 to cover all vertical deflections:
 - Raised intersections
 - Raised crosswalks
 - Speed humps, regardless of dimension
3. Rescind 19-99, establish guidelines, and delegate to Traffic Council
 - BOA maintains authority over approvals/denials via appeal
 - BOA maintain authority over funding where:
 - Special Appropriation (e.g., parking meter receipts)
 - Mitigation (e.g., Panera)

What's This Item Proposes

1. Rescinds City Ordinance Section 19-99 banning speed humps
2. Requires Board of Aldermen approval (following Traffic Council recommendation) of **ANY vertical deflection** (e.g., speed hump, raised crosswalk, raised intersection) constructed to slow traffic (add to Section 26-51)
3. Establishes qualifying criteria for Traffic Council consideration of petitions (add to Section 19-32)

Traffic Calming: Definition

“Traffic calming involves changes in street alignment, installation of barriers, and other **physical measures** to reduce traffic speeds and/or cut-through volumes, in the interest of street safety, livability, and other public purposes.”

Source: Institute of Transportation Engineers

Hmm.....physical measures... Does this mean Traffic Calming is really a PF issue? YES!

#196-09
#196-09(2)





City Ord. 19-1: Definitions

- *Speed humps*: A street surface condition consisting of gradual elevations 3 inches to 4 inches high at the midpoint and running 10 feet to 14 feet along the length of the street at the base with the one foot sections at each end tapered flush with the street surface to facilitate street drainage, positioned 200 to 400 feet apart and subject to such further design criteria as may be determined by the City Engineer.

Section 19-29. Docketing of petitions.

- Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

Sec. 19-33. Role of board of aldermen; appeals from Traffic Council.

- (a) The board of aldermen may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

City Ordinance 19-99.

Speed humps—designated streets.

- (a) Speed humps shall be installed and maintained upon the following streets:
 - *Clark Street*, entire length.
 - *Tyler Terrace*, entire length.
 - (b) No other street shall be considered for the installation of speed humps.
 - (c) Signs or other warning devices advising approaching motorists of the presence of speed humps shall be installed and maintained in connection with existing speed humps.
- (Ord. No. S-274A, 11-16-87; Ord. No. V-172, 5-4-98)

#196-09
#196-09(2)

NOTE: ONLY SITE-SPECIFIC SECTION LEFT IN CITY ORD!

Sec. 26-51. Public way improvements constituting specific repairs.

- Major construction work on public ways that falls within one or more of the subsections below shall be deemed "specific repairs" which **require approval by the board** of aldermen pursuant to the provisions of G.L. c. 82, § 17:
- (a) design **changes which would result in a change of the flow of vehicular traffic**, such as adding or deleting a traffic island or changing the width of the roadway portion of a way so as to result in a deletion or addition of one or more travel or turning lane(s);
- (b) work that is privately funded and estimated by the city engineer to cost a sum greater than one hundred thousand dollars **(\$100,000.00)**.
- (Ord. No. U-20, 6-6-94; Ord. No. X-69, 12-15-03)

Calming Traffic via “Chicken” Lane



Proposed Process

1. Traffic Council receives petition

DPW checks qualifying criteria, if not met, petition returned

2. Traffic Council holds public meeting and votes

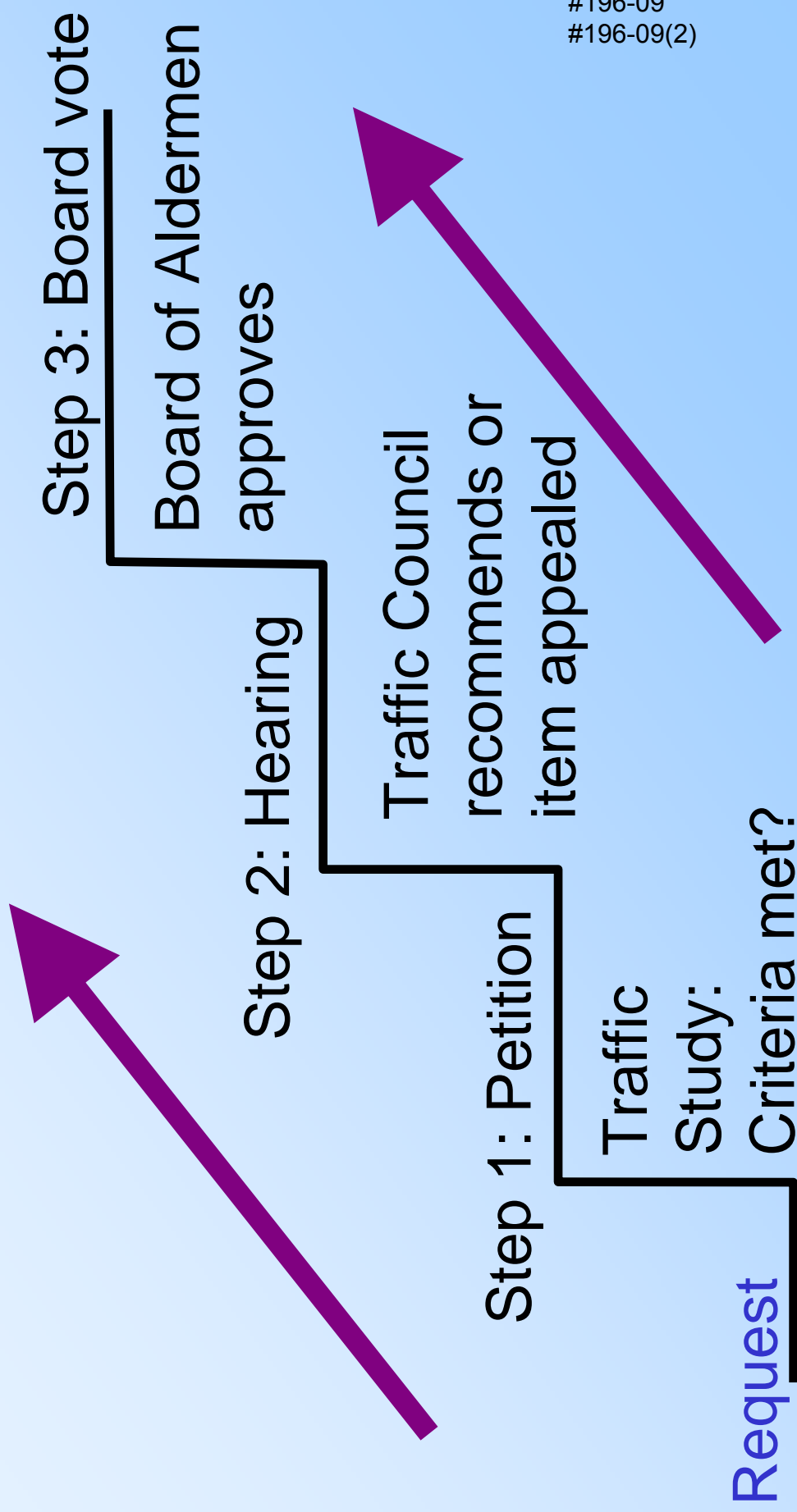
- A. In Favor...Traffic Council recommendation sent to PF
- B. Denial...item fails
- C. Denial...appeal by residents or Alderman sent to Board

3. Board of Aldermen must approve ALL vertical

deflections, not just speed humps. **Funding approval may also be required.**

Proposed Process

Funding?



What's This Item Proposes

1. Rescinds City Ordinance Section 19-99 banning speed humps
2. Requires Board of Aldermen approval (following Traffic Council recommendation) of **ANY vertical deflection** (e.g., speed hump, raised crosswalk, raised intersection) constructed to slow traffic (add to Section 26-51)
3. Establishes qualifying criteria for Traffic Council consideration traffic calming petitions (add to Section 19-32)

#196-09
#196-09(2)



END