

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 6, 2008

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates, Mansfield, Schnipper and Lappin

Also present: Ald. Linsky, Swiston, Harney, Danberg, Vance and Fischman

City staff: David Turocy (Commissioner of Public Works), Clint Schuckel (Traffic Engineer), Nick Parnell (Commissioner of Public Buildings) and Shawna Sullivan (Committee Clerk)

**PUBLIC HEARING WITH PUBLIC SAFETY IN ALDERMANIC CHAMBER
REFERRED TO PUB FAC. AND PUB SAF & TRANS. COMMITTEES**

#35-04 ALD. SAMUELSON AND DANBERG requesting an ordinance amendment to Section 26-8 of the City of Newton Revised Ordinances, 2001 to require all property owners or residents to remove snow from sidewalks abutting their property.

ACTION: **PUBLIC SAFETY & TRANSPORTATION HELD 6-0**
PUBLIC FACILITIES HELD 8-0

NOTE: The Committee met jointly with the Public Safety and Transportation Committee to hold a public hearing on this item. The Committees listened to the below public input on the item. Chairman Linsky explained that the working session for the item would be at a later date to be determined. The purpose of the joint meeting was to gather the public input.

Former Alderman Christine Samuelson spoke first on the item. She is one of the docketors of the item. She stated that she is excited that the issue is being discussed. When Ms. Samuelson was first elected to the Board, there was a sidewalk snow-shoveling ordinance on the books in the City of Newton and residents were required to clear the snow from their sidewalks. There was a battle on the Board of Aldermen, that ordinance was rescinded, and she has fervently wished since that time that the City could restore the sidewalk-clearing ordinance. She believes it is important as a community that we provide the opportunity for schoolchildren to walk to school from our neighborhoods safely and not have to walk in the street. In addition, the City should provide for other members of the community who want to be able to walk up and down the sidewalks in our neighborhoods. She lives in a neighborhood that is between two T stations that people walk to every single day and there are dog walkers that walk the same route. Whether people have a car or not they should be able to make their way up and down the street. One group of people who we depend on daily who must traverse the city by foot are the postal carriers. They fervently wish that the City had a sidewalk-clearing ordinance, so that they could safely walk from house to house. Ald. Samuelson has watched them over the years when they have had to walk on the sidewalks where the snow has hardened and no one has tried to clear the walk at all. It is so difficult for them and they have sustained injuries due to the lack of snow clearing. She has talked with members of the post office, especially the head of the main post office in Newtonville, who is deeply concerned about his work force. He wishes that Newton were like other communities where the sidewalks are cleared by the residents. She hopes that the

Aldermen will deeply consider this issue, as it is an important issue for people who do not have cars, for senior citizens and it is the right thing to do for the community.

Ald. Danberg spoke on the item. When she realized that the item had been docketed by former Alderman Samuelson, she felt that this was one of the most important things that the Aldermen can do because it is the Aldermen's responsibility to try to make the City a safer and a better place for everyone to live. For years, when her children were little and since the ordinance was rescinded there has been increasing lack of compliance on the part of residents in clearing their sidewalks. She has found anecdotally that it is really the younger able-bodied people who are the worst offenders in not clearing their sidewalks. She would say that on her street 2/3 of the people clear and 1/3 of the people do not. The people who do not are young professionals who cannot be bothered because they are trying to get out of their driveways, which they have plowed, early in the morning to go to work and then come back at the end of the day too tired to clear the sidewalk. Whatever their reasons for not shoveling are they are just excuses and the result of that is that the city's sidewalks are dangerous, they are difficult to pass and we are not doing ourselves or the members of this community any favors in saying that we do not need this ordinance. She would like to read a few items that have been in the many letters, emails and phone calls that she has received overwhelmingly in support of the proposed ordinance. Some of the comments include that it is for public safety and convenience, that it is for our schoolchildren walking to and from school, people going to and from the T, from the synagogue on Sabbath and church on Sunday, mail carriers, people walking or running for exercise, anyone who chooses not to or cannot use a car in the winter time. It is for the safety of all pedestrians, especially older residents and anyone physically compromised or disabled, mothers with strollers, grandparents picking up children who now have to walk in the street. Newton should offer great city walking twelve months of the year. Too many residential owners are not doing the right thing. Even if enforcement is difficult, the existence of a requirement is likely to encourage better behavior. We could and should do much better. Brookline and Cambridge have had residential sidewalk clearance requirements in place for years and there is no reason that such an ordinance would not work as well in Newton. In order for the ordinance to be successful and improve the lives of everybody, we do not need to strive for or achieve 100% compliance. The question that is placed before us is if there will be this instance and that instance, people who call up and say, I broke my arm, I am unable to comply for one reason or another temporarily or permanently, is that a reason why we should not try to improve the conditions in this city. Ald. Danberg feels that the Board should attempt to do this and 90% of all the communication that she has received has been in favor of this ordinance. She would also add that one of the comments she heard in a previous meeting regarding the issue of the inability to comply. It was asked what Brookline's experience was with this, a phone call was made to Brookline, and they said that for the past two years there have been zero people who have come forward to say that they cannot comply. There are a lot of things that need to be ironed out, such as how to enforce, what happens to the plows that cover the corners with mounds of snow, the plows that go by too fast and slosh snow and ice up onto sidewalks, what are the penalties, etc... The answers to these questions should not preclude us from saying we want to make this city better and we think that this ordinance ought to come in at this time.

Ald. Linsky took a straw poll to determine how many people feel there is a problem with the way snow shoveling is handled in Newton. The vast majority felt there was a problem. He asked that the speakers

Priscilla Leith, 162 Islington Road, Auburndale, for the League of Women Voters: This is an issue we have been working on for at least fifteen years, probably twenty. The League of Women Voters supports an ordinance requiring all property owners to clear their sidewalks of snow and ice. It is a community need and a community responsibility. The goal of this law should be to provide pedestrians and wheelchairs with safe and fully accessible sidewalks in all areas of the city. To do this, the draft ordinance needs to be strengthened; real consequences must occur for noncompliance, there must be rigorous enforcement. More importantly elected city officials need to demonstrate the political willpower to fine constituents if necessary to enforce the ordinance. There are several roadblocks to enforcement that should be removed. First, vendors who pile snow at intersections or who plow private driveways and dump the snow onto other people's properties or sidewalks should be held responsible and/or fined. The city's hired snowplow contractors who do this should be required to place the snow in a proper location. Second, the city should compile a list of contractors available for hire to clear snow and ice from sidewalks and make it available to property owners before the start of the snow season than people who travel or plan to be out of town and cannot or do not want to clear their own sidewalks will have the lead time to hire the help they need, so that this ordinance can work. The current so-called volunteer list, which is compiled by the Human Services and the Public Works Departments with fifty names right now, is totally inadequate. As an alternative, someone in city government might coordinate the entire sidewalk clearing operation as is done now with the street plowing, sanding and salting operations during each storm. Third, clarify what sidewalks city crews will plow and when. Primary, secondary and tertiary sidewalk routes need to be clearly defined. The public needs to understand how these routes are designated. Who determines their designations? This information should be broadly disseminated for community understanding and support of the city's sidewalk snow removal plan. The League of Women of Newton believes that all residents want and deserve the freedom to walk safely on sidewalks in the winter. They should not be forced to walk in the street. We hope our public officials will rise to the challenge and implement a workable, enforceable and equitable system to see that this happens.

Susan Tornheim, 120 Hyde Street, Newton Highlands – People have already made it clear that blocked sidewalks are a safety problem for many reasons. Vicky Danberg has expressed those reasons very clearly. I walk a lot in Newton Highlands. I will walk to the post office. I will walk up to the library or city hall and it is made very difficult, obviously, by blocked sidewalks. There is currently an ordinance on the books about not blocking a sidewalk when clearing a driveway. This really needs to be enforced, it happens all the time. Even if I have spoken with my neighbors about it and they say that they will talk to people who clear their driveways, it does not always happen. In Newton Highlands, we have handicap-housing, people in wheelchairs; it is very difficult for them to get around if sidewalks are blocked. I found myself walking on Walnut Street to get to four corners and I was terrified but the sidewalks were impassable. In the past, arguments have been made that people who are elderly or disabled in some way should have some way of complying and apparently, there is a volunteer list that is apparently inadequate. In the past, I believe it has also been suggested that if there is a community service requirement at the high school this might be another opportunity to add to the volunteer list. I totally support this ordinance and hope that any problems associated with it can be worked out.

Ernest Loewenstein, 57 Hyde Street, Newton Highlands – First, I support everything that Alderman Danberg said. She really laid it all out. The question is about enforcement. I would like to make the following suggestion: if a property has its driveway plowed but its sidewalk not cleared than the owner has been negligent and the owner should be fined. If the snow is piled up across the street, than the owner should be fined. If the snow is piled up on the sidewalk by the plow that the owner hired, the owner should be fined because the plow operator is the agent of the owner and the owner is the one that is responsible and he has control over the driver. The list of alleged snow shovelers is inadequate; I do not have to re-emphasize that. The matter of getting this done within 24 hours is critical because many snowstorms are followed by a deep freeze. If the snow is not removed immediately, it is going to freeze and you are not going to get rid of it. The matter of the snow plows driving to fast and throwing the snow onto the sidewalk is a matter of the city telling the drivers “throttle it back.” The drivers are the agents of the city. The city is the boss and the city can say do not you throw that snow over onto the sidewalks. There is a little problem about salt and that is on the day after a storm the stores are all sold out of salt. I do not have a suggestion but I think you might think about whether there ought to be some other way of getting salt rather than going to the store and finding out they are sold out. I have a contribution to make. I have a photograph of the intersection of Jewett and Walnut Street, which is where my office is located and it shows you the stack of snow that was piled up there at a storm last February. The snow was piled there by the snowplow operators. I do not know whether it was the city or a contractor but I would like to give you this photograph Alderman Danberg to put in your collection.

Adele Hoffman, 80 Greenlawn Avenue, Newton Centre – I am a senior living in Newton on Greenlawn Avenue not to far from the library and Bread and Circus. I mention that because there are times when I want to walk to the library and I walk to the grocery store and I find it very difficult. I do plow my own sidewalk, I have lived there for 46 years, and I have done it every year. I find that when the plows come by they do shoot the snow up on my sidewalk and also in the opening, I have shoveled for my driveway and I find that very difficult. In addition to that, when there are plows that help my neighbors across the street, many times they shoot the snow over to my side. I walk out there, wag my finger, and say that is illegal. I support Vicky Danberg’s presentation and the addendum that the League of Women Voters has presented.

Ann Gough, 144 Walnut Street, Newtonville – I did not prepare to make a speech. I am against having this put on the shoulders of the residents. I think it needs to be done but I think it should be done by the city, as part of the city’s work. I am thinking mainly of senior citizens or disabled people, who would not have the money to pay extra for this kind of thing and than who would do it. Not everybody has a line to somebody who would be able to do it for them. Also, people may not be home at the time the storm arrives, maybe they live somewhere else; maybe they’re on vacation or like myself work an evening shift. Many times, I have to shovel myself out to get out of where I work because there is no one to help me, I get home at midnight or later, and I do not want to be shoveling the sidewalk. In fact, it is dangerous to be out there at that time. People will say why should the city taxes pay it but there are people who pay city taxes for other services they don’t even use. For instance, I pay a lot of money for the schools. I haven’t been in school for almost fifty years. I have not used the schools. I think it is something that should be available from the city for especially older or disabled citizens.

Stephen M. Berkowitz, 12 Alban Road, Waban – For a minute I had a flashback, I thought I was in Germany in 1935 and we were discussing the enabling laws. All I have heard so far is if you don't do this then the State will punish you. This is an unworkable law. It has never been enforced. It can't be enforced. It is impossible to enforce it. Furthermore, in my opinion this is nothing but a red herring to cover up the fact that the taxpayers in Newton are not getting any relief and to lead us away from that monstrosity high school that is being built down the street that is going to cost us a quarter of a billion dollars. I have lived in Newton for fifty years. I don't drive because I have very bad legs. They have shrapnel in them and for those years, I have walked to and from the Riverside Line in good weather and bad weather. I have never seen any person get hit by a car, I have never heard of anyone and I have never read of anyone. Now, what happens if I don't shovel? Are you going to send the snow police after me? Am I going to be forced to wear a scarlet S? This is an absurd law and it should be defeated.

Girard A. Plante, 58 Ash Street, Auburndale – I do support the ordinance. I am a member of the Mayor's Committee for People with Disabilities and have been involved with the public sector since 1983 in a couple of communities and in this particular community for the past seven years. I've also been an advocate for people with disabilities, the elderly and homeless since 1980 and there is a network of us advocates who visit the State House to advocate on statewide issues, as well as communitywide issues. I know many people who live in Cambridge, Brookline, Newton and Watertown with disabilities and the various commissions that are there and this network of course hears about various ordinances such as the one being discussed tonight. I am quite familiar with whether the ordinances that are put into law do work and those that do not work. As a member of the Mayor's Committee, we meet with the Public Works Commissioner every year in September and we discuss the issue of snow removal before there is even snow on the ground and what we find typically is that whether there is a law and whether there is not a law just how is it going to be enforced and it will it be a strict law, will it be the kind of ordinance that will be enforceable. What we see are the contractors who are pushing snow up over onto the curb cuts. Those curb cuts are not used only by people with wheelchairs but also by parents pushing strollers, elderly folks who use them, you see young people with skateboards and bicycles using them. Curb cuts, although they were devised many years ago for people with disabilities primarily, are used by many individuals now a days. We are an aging society as we all know and in my particular village of Auburndale, I brought an ordinance around to the business. Ironically, several weeks ago when it began snowing and I know all the people in the businesses are fine people. One solution I would say from what I've seen is that you have the post office on Commonwealth Ave and Melrose Street for example. On Melrose Street where their property runs, they don't plow that at all. I live just around the corner from there, if I want to go to the post office, which I do a few times a month, I have to go into the street, as opposed to staying on the sidewalk then I go up the driveway, which faces Commonwealth Avenue and they do a good job of clearing the driveway, ramp and their parking lot. If you go to the sidewalk right after the parking lot where it is next to the Auburndale Liquor Store there is a sidewalk there that is not even shoveled. Obviously, that is not their property so they don't do it. You have owners of businesses who can and should be removing snow and they don't. I have seen several individuals going into Keyes Drug either out of necessity or because they like to go there. Elderly folks I am referring to primarily and they have to climb over snow banks. The curb cut there is always plugged with snow. The one common complaint we see on the Mayor's Committee is that the people who are called the chasers and they follow around the contractors what is their responsibility and obligation? Are they not reporting the fact that these contractors

that they hire are pushing snow up onto the sidewalks, up onto the curb cuts making it dangerous for individuals who then need to go out onto the street. Four years ago, I stopped using Riverside Station during the winter months as an alternative form of transportation to get into the work. I am a journalist and I do freelance writing for Mass Rehab Commission, as well as the Boston Post Gazette and so when I would come out of Riverside Station where it was clear where a few of the residents had cleared snow. There were residents who did not clear snow. What I noticed over the few years that I was using that form of transportation during the winter was that some of these residences are dark which led me to believe that possibly they are gone for the winter. What do you do about that? There is never going to be snow removal there, if they are gone for the entire winter. In other words, they could be out of the state in Florida, Arizona or wherever and so I see people that I know also who come into Auburndale and Newton in general, who live in Dorchester or Jamaica Plain or Mattapan, their only form of transportation is the Green Line. They come into work for people like me or for elderly folks or for other individuals. A couple of individuals I know work at private business on Lexington Ave and Auburn Street and they use the Green Line. When I see them, they are walking in the street because there are some residents that do not have their properties plowed of the snow. I would say perhaps the Aldermen can get the businesses together and say push the snow 5' away from your door so people can get in. My conversations with the business owners is that when I brought the ordinance some were not aware that the ordinance existed for business but some also were aware of it and others were embarrassed by not removing snow. Each one of them has said that they would like to cooperate. I noticed that since I brought the ordinance around was that the couple of snowfalls thereafter the snow was removed. It takes... about bringing awareness to the issue and if this is an ordinance that is going to be in place that looks to be enforceable but then what do you do about the chasers. Is this the appropriate place to be talking about chasers who are following around contractors who plug up the sidewalks and curb cuts and various other places like properties and that sort of thing? That issue has to be addressed as well. The businesses can get together and hire some of the school kids. Another solution would be to hire one contractor to go around the sidewalks and make sure the curb cuts are clear early in the morning.

Jack N. Porter, 79 Walnut Street, Newtonville – If I turn to my right and try to walk to Newtonville because it is good to walk and gas is expensive, I find that I am blocked. There is a person who lives there, who should no better, a very prominent person, healthy. It only takes one person on a block. If you don't do that one house, that's it, it's blocked. It takes only a little path. You have to do it right at the beginning. It is so important to tell the DPW especially they must do a good job that first night because otherwise, it freezes for the whole season and that is what has happened. I have slipped twice. The kids from Day have to go into the street. One of them will be injured; god forbid killed. Elderly people are in the street because of one person. If I go to the next house or building, they do a good job. My condominium does an excellent job. I cross the street; it's blocked. Now, the question what to do with the snow; it's a problem. You can't suspend snow in the middle, where do you put it. I know it is a problem but still it does block the curbs. I go to the next house and there is a senior citizen who should not be shoveling but is shoveling. The problem is not the senior citizens; they're pretty good about this. He said he tried calling the school to hire somebody but I can't find anybody who wants to do this job. We have to coordinate that with the school people or with the city hall, which will have a list of kids who will do it. I go to the next house and the person is not there. You would be surprised with how many houses are empty in this town. If they get ticket, they will come back from

wherever they are, they will wake up and smell the coffee, and they are going to have to arrange for their place to be shoveled while they are in Florida or wherever that is their responsibility. If I turn to my left and go towards day, the first house has three sons, I talked to him very nicely, asked him to shovel, and he did it. You have to ask nicely. If you can save one person from being injured, you should vote for this.

Brooke K. Lipsitt, 160 Boylston Street, #1326, Chestnut Hill – At the moment I am living on the third floor of an apartment building and I am not shoveling anything but I am about to buy a single family house and be back in the happy business of shoveling snow. I was on the Board at the time we had the previous snow-shoveling ordinance and tried to defend it then not successfully. I realize as I visit my sister in Cambridge or a friend in Brookline that other communities actually do have ordinances on the books that require residents to shovel their snow and their residents are really just like our residents. Some of them are old, some of them are infirm, some of them are too poor to hire someone to do it but the sidewalks do get shoveled. Therefore, this is not an impossible thing that we are asking. I have heard it said this evening and I have heard it said in the past that it would be really nice if the City would shovel all of the sidewalks. Well the city as the members of this Board know better than almost anyone else can't possibly afford to plow the sidewalks in this city, certainly not all the sidewalks and not all of the sidewalks we would like to have shoveled. If we did have this ordinance; however, the city would have a much-reduced responsibility to shovel routes for schools or for access to busses or subways. The one thing however, that I would ask this Board push very hard for is to have the city plow the sidewalks adjacent to the city's own property. I think it is perfectly unreasonable for the Board to ask the citizens of this city to shovel their walks when the city will not shovel its walks. I know that the walks around this building are very nicely shoveled after every storm. It is a pleasure to walk if you are walking from city hall but try walking by any park, the parks that are adjacent to our elementary schools and middle schools and just try walking there safely. Try sending your child safely to school; you can't do it. Therefore, my advice would be to say to the citizens of this community "we have a community obligation. Our community obligation is to see to it that all of our citizens young and old can traverse safely across the sidewalks in the winter." We ask the citizens, we demand that the citizens do their part. We ask the businesses already, we demand that the businesses do their part and we the city are going to do our part. I think that is a reasonable arrangement but I think that all three parts of this need to be put into place simultaneously. We are never going to get 100% compliance that is just how life is. We may not get Mr. Porter's neighbor to shovel his sidewalk but if we get everybody else's neighbors to shovel their sidewalks that is no reason to say, "we can't do it because one neighbor cannot or will not do it." I would strongly urge this Board to instate an ordinance, especially with the addition, since the earlier version of this of having a way to deal with exceptions for those who are physically or otherwise unable to comply. I support Ald. Danberg and former Ald. Samuelson's efforts in this matter.

John Bliss, 9 Lewis Street, Newton representing the Newton Bicycle and Pedestrian Task Force- Mr. Bliss's comments are attached.

Richard Hutchinson, 160 Lincoln Street, Newton Highlands – I request that you pass this ordinance or something very similar to it, so that we can reclaim the sidewalks as being a right away of pedestrians so they are not forced to walk in the streets. Through the years letters to the TAB have presented complaints about the failure of citizens to remove snow from their

sidewalks implying that there are two types of citizens those who do and those who don't. There is a third type those who arrange to have snow plowed from their driveways onto the sidewalks in violation of existing ordinances forbidding such action, sometimes to the extent that the sidewalk plows cannot perform their assigned duties. This leads to the question what do opponents of the proposed ordinance do with snow from their driveways. Concern has been expressed that if a snow removal ordinance is passed a lawsuit may be filed by someone who falls on a sidewalk, which is insufficiently cleared. I will not file any charges if I fall if a good faith effort has been made to remove snow but I assure you that if I am injured in the streets because a property owner had snow plowed from the driveway onto the sidewalk, I will file charges of reckless endangerment and/or criminal negligence against the property owner. If I do not survive my injuries my spouse is requested to file such charges and check the feasibility of a charge of involuntary manslaughter and the city be sued for failure to enforce the present ordinances prohibiting blockage of sidewalks. It is proposed that the sidewalks be cleared within 24 hours after a storm with a 48-hour allowance for elderly or disabled residents. From my experience, I would consider this backwards. What do such residents do now? Some speakers have pointed out that some elderly residents do shovel their sidewalks. My experience has been the opposite. Many of them hire contractors to plow their driveways. Some contractors when called to a property are accompanied by one or two friends who use shovels or snow blowers to clear walkways. If a front walkway leads to a public sidewalk instead of the driveway, the portion of the sidewalk between the driveway and the walkway is cleared but frequently snow is plowed onto the sidewalk on the far side of the driveway. Those residents who use shovels and/or snow blowers to clear their driveways and walkways should have the more generous allowance. Now, I can speak from some experience on this, two years ago I realized that I am older than all but one Aldermen and there are 24 Aldermen, then I declared myself to be a senior citizen and quit shoveling my driveway and I hire a contractor to come in. Now, he appears on the scene earlier than I would if I were shoveling. Incidentally, this contractor does not plow snow onto the sidewalks and what little snow dribbles off the plow either he clears with a shovel or I do. According, to the TAB, Ald. Danberg has suggested a minimum one-year grace period; I suggest that if there is a grace period it is a one-year maximum. This city has too many grace periods. I move that we postpone is one of the most frequently uttered phrases at recent Board meetings. During the grace period, the present ordinance against blocking sidewalks should be strictly enforced.

Leo Hannenberg, 7 Ashcroft Road, Newton Highlands – I live on the south side of Route 9, just off Walnut Street and for the last fourteen years I traverse down Walnut Street to the surface road of Route 9 down Centre Street to Walnut Street to get to Newton Highlands T Station. It is a complex problem for me because I cross state property, business areas and private property but what they all have in common is that for the last few years they have become increasingly impassable. I would point out that my baseline for this is fairly high. I typically walk out the door with cleats and poles, so I don't think I have a wimpy view of this but this winter, I did measure it and it is now the case at least on Centre Street that I have tried to go over 4' mounds of snow in pedestrian areas. I completely agree that there are areas that are not going to be enforceable. I think Centre Street is probably a good example, where plows probably make it very difficult for homeowners to keep the sidewalks clean. However, I don't think it matters. I think the ordinance sets a tone for the City and it sets an expectation and that is really the important piece of this that the expectation if you are a homeowner in this city is that you will be considerate of neighbors and I think that alone is enough to do this. Clearly, there are going to

many feuds about what is enforceable and many practical aspects of this ordinance to be worked out. I think this body's job is to set the moral tone that it is not okay to worry about your driveway and your driveway alone that it is your responsibility to be considerate of neighbors and I think that if the ordinance accomplishes that alone it will be worth it.

Lynn Scheller, 216 Pleasant Street, Newton Centre – This has been a problem that has bothered me for quite a while. The tolerance of sidewalk clearance has bothered me for quite a while, so I was quite relieved when Ald. Danberg mentioned that this was coming up tonight. I really feel that shoveling sidewalks is an issue of both public safety and individual responsibility towards the community. I think alternative sources for snow removal should be found for people who in fact cannot do it but the vast majority of people are capable. I think if Cambridge and Brookline can do this, there is absolutely no reason that Newton should not be able to pass this ordinance and I hope it passes.

Lucia Dolan, 20 Devon Road, Newton Centre – We moved here eight years ago and I was very surprised that snow shoveling was so random here in Newton because one of the reasons we chose Newton was that it was a walkable community and I wanted to be able to walk my kids to school everyday. I quickly found I could never tell for sure which sidewalks would be shoveled, which wouldn't, and sometimes it was even churches that weren't shoveling their sidewalks for weeks. I called the city to try to figure out who is supposed to enforce the laws and I would be bounced from one place to another. I know a couple of people have talked about setting the expectation but I think you need enforcement with the expectation because I know in my neighborhood we have the tree law, which does not seem to be consistently enforced. There are several instances of neighbors disagreeing, in one case getting into a physical fight, over the removal of trees. It just seems to me that if you don't have enforcement along with the shoveling law you are going to get neighbors fighting each other and it is easier just to have consistency across the board so that people know when they step out the door whether or not it is shoveled. I would rather have no shoveling law and no one shovel than have a shoveling law that is not enforced and have people have the expectations of being able to walk and then being forced out onto a busy road because they can't get through.

Christopher J. Weinmann, 1909 Commonwealth Avenue, Auburndale – I would say first I am a renter not a property owner, so ideally for me if the city did this that would be great but I understand that more easily not having to pay any taxes for it. If that were not to pass, I would say whether an ordinance comes through or not if there would be a notice sent to property owners say in early November saying at least out of kindness if you would remember to do this during the winter or arrange if you were not going to be here during the winter to have someone do it for you that might be a good first step. I wonder whether the ordinance as currently written it says every owner or occupant of a building would have to do that, could that cause problems if an owners says I thought the occupant was going to do this and the occupant blames the owner for not doing it. Maybe it would be easier just to say owner period must do these things. By the way, my landlord is a great sidewalk plower, so no problem there. I would also say all institutions if this ordinance passes no grace period. I live near a church, which also for whatever reason does not ever do the sidewalks. Certainly, want to help them out if they can't afford to do it but I think it is a major thoroughfare and it is a problem. If there is a decision to have penalties I would say certainly no grace period for institutions, whether it is apartment buildings or non-profit institutions. Perhaps a one-time grace period for residential owners and

an escalating fine thereafter. If it is a question of which roads first, perhaps there could be a discussion as to which zones should be done first. Perhaps state roads and bus lines and places near T stations would be right away within 24 hours. Perhaps folks that live on dead end streets would have two days to do it since there are fewer people, presumably, who would walk there. Finally, I would say if there is a question as to providing services for senior citizens or other folks who can't physically do this or pay for it...I am not familiar with the previous volunteer roster, perhaps the city could arrange to have some sort of minimum wage roster paid for in part by the fines that would be collected from people who are not getting this done on their own.

George Kirby, 19 Cummings Road, Newton - First of all, I would like to say that Newton is not a rural community. We are fortunate to live in a city where the distances are short enough and we have the choice to walk, as we might like with the safety of a sidewalk. Unless we have a reasonable and workable ordinance, we are going to be depriving Newton residents of the opportunity to walk safely during the winter months. We are going to be requiring them to drive. The only safe thing to do but since we have increased understanding of the severity of climate change issues that is exactly the wrong thing to do, requiring them to drive. We are taking away the opportunity to walk safely unless we have a workable ordinance. In addition, I walk every Saturday and a significant number of people do walk to services every Saturday. We don't drive, we walk to services and it gives me a good opportunity to walk two or three miles every week and see what the state of snow clearing is and what it does to people who try and walk. If you have not had the opportunity do that, to walk two or three miles once a week, I highly recommend you do it and see how difficult it is to navigate on the sidewalks. It is very tough; you end up walking in the street just to be safe, so you are not slipping on the ice. I know that the drivers don't appreciate when you walk in the street. If you don't get hit, it is a real blessing. I don't know people that have gotten hit but I know we are fortunate that we haven't gotten hit. The drivers don't like it and on top of that my wife does not like it and she is always telling me get out of the middle of the street but I don't want to slip on the ice. If you clear your sidewalks, it is true it is icy for a little bit but then after a few days it really clears off and a section that has been shoveled is much better than a section where people don't pay any attention to at all. You end up with something that persists for weeks in an unsafe situation. Shoveling is definitely better than not and helps a lot in the long term. Lastly, a friend called my attention to a couple of institutions on Centre Street, a busy street with a lot of traffic where it is especially dangerous to walk in the road. The Carroll School for the Blind and the Mount Alvernia High School, who plow their driveways, make sure to plow their driveways but not their sidewalks and my friend has seen blind people getting off the bus and struggling to make their way through mounds to snow. I would like to call your attention to the biblical passage that says don't put a stumbling block in front of the blind, which this is exactly the situation. So it is particularly bad on Centre Street but it is also difficult elsewhere, so I would recommend that everybody take the opportunity to do some more walking to appreciate it.

Frances Seasholes, 163 Cypress Street, Newton Centre – I want to thank Christine and Vicky for bringing this up again. Most people acknowledge a problem. I agree with the well thought out statement of the League of Women Voters and of Mr. Loewenstein. I don't have anything particularly to add except that shoveling with a shovel is going out of date with many people. We need more contractors that will take their blowers to the sidewalk and we should plan at the beginning of the season for how we are going to handle this when we can't shovel if we are away

or if there is some other reason we should have in mind already who we are going to ask to do it for us. I think the social pressure of having an ordinance will help a lot and I support the idea.

Philip Herr, 20 Marlboro Street, Newton – I thought I should have pictures (attached). The other thing is the eighteenth speaker is wondering whether there is anything new to add. I want to thank you all for scheduling this on this remarkable night when we are about to get some more snow and when we are celebrating the 30th anniversary of the Blizzard of 1978. Many of us remember that and I want to return to that after I have run through this set of illustrations. First of the pictures is on Vernon Street and truth in photography that isn't this year that is last year, it is on Vernon Street looking towards the Underwood School, the library, and city park are on the right. The mountain of snow was placed there because of the problem that Evans Park Assisted Living Facility has. Those of you who are familiar with it know that about ten years ago, it was greatly expanded and the result is that there is no room on site to store snow. They currently have no option other than to have it plowed out and plowed across the street on the sidewalk. The photograph below was taken yesterday at the same location and despite the fact that we've had no snow for a week and a half; you still cannot walk that sidewalk. The ordinance we are talking about tonight does not address that but an ordinance that is already in place does and it is clearly illegal. The third photograph is at the corner of Eldredge and Elmwood Streets. The Underwood School is about 100' to the left, just outside the photograph. Kids walking to the Underwood School can't walk on the sidewalk; they are obliged to go into the street. This snow was not put there by a private contractor, it was put there by the City. What are the suggestions that I have? First, my understanding is and I can't find anything in city regulations, which oblige people who are doing development to make provisions for snow storage or removal. It is not that long ago that we authorized Evans Park to create this circumstance. Not much they can do about it now. There was a lot that could have been done about it at the permitting stage. My suggestion is that perhaps we should look to amending the zoning to require that any proposal that creates more than some amount of driveway and parking spaces be obliged to document their provisions for snow storage or removal. Many do that now. My understanding is that informally without benefit of an ordinance city staff sometimes oblige it. It strikes me that this is a case where we could preclude a problem from being exacerbated by new development and help make sure new development is friendly. Secondly, many people before me have observed the problem with people's driveways being plowed at the expense of the neighbors and the ability to move around the city as illustrated by Evans Park and by lots more. We have an ordinance that is very explicit. It is one of the set that you have just handed out. It strikes me that what we should be doing among other things is finding out why that is not being enforced and when we find out why it is not being enforced cure that problem. Third, it strikes me that we should explore in a similar fashion why City Ordinance Section 26-8A, which explicitly provides that the city is to do the clearing of sidewalks used as school routes and 26-8C, which talks about standards in other places for safe sidewalk conditions that also is not being complied with. It is not being complied with by the City. Fourth, this really terrific ordinance that has been drafted also deserves adoption but it strikes that we need to think of these, as several people have already done, as a set because there is something about coming in with a new ordinance that pits city hall against the residents and says if you don't do what we're telling you to do we are going to give you a penalty. A number of speakers have spoken strongly of a need for a penalty. Only one reminded us of 1939 conditions in that country from which my name derives. I think that is a real concern that is why I want to go back to the Blizzard of '78. Those of you who were here in 1978 probably vividly remember that while it was awful in some ways it created a wonderful

time for many of us. We became a community. We all pitched in. We helped one another it was a great time of community spirit and I think that is what we should be trying to build to is a community in which we all work together and try to do things as a community and it strikes me that we are seeing a very sharp division: city versus the people. Can't we use this subject as one where we don't exacerbate that but rather do something that moves them the other way and tries to say here we've got a problem, we all share in it. The city shares in it, private contractors share in it, individuals share in it and lets address that whole set and not start by doing the easy thing, which is to adopt an ordinance fining people but do what may be an even harder thing and that is to address the issues that are already well covered by ordinances but are not at this point being enforced. Somebody asked me how does this relate to the comprehensive plan. Actually, one of the speakers before did speak to that. Newton was not always as auto dominated a community, as it is. It used to be pedestrian oriented and it used to be public transportation oriented. It was not something that came along one day and changed that, it was changed through a whole long series of small steps; one small step at a time. Some people refer to it as the death of a thousand duck bites. Well, maybe we start to think about a thousand reversals of duck bites. Little bits at a time and as several speakers pointed out, I walk from my office to my home except when the snow is very bad then I drive. It is a small step but if we can make pedestrian movement more reliable dependable year round maybe we will get a few people driving a little bit less and we will take a little bit of a step towards that, which I think we all try to do, which is to get the city to be less auto dependent, better place in which to live and its healthier to walk.

Miriam Jost, 17 Charles River Terrace Newton Highlands – I want to commend you all for proposing this ordinance. I think it is a great deal. I moved here after living 20 years in Brookline, I have been here for five years, and I said I couldn't believe that they don't shovel the sidewalks here. Just three quick points. The first is about health and safety. The second one is about courtesy and neighborliness and the third one is about the scope of the ordinance. I walk three or four miles every morning. We should be encouraging people to walk. I would prefer to take the T when it snows and I have tried walking to the Highlands T stop. People have stopped me in the street and said it is not safe; let me give you a ride to the T because I have been walking in the street because the sidewalks have been impassable. The neighborliness and courtesy, as everyone else has said, I pass houses every morning where the driveway is cleaned and plowed and there are piles on sidewalk from where they plowed the driveway. Two weeks after it snowed, I still need to go in the street in the morning when I walk or run. The third is the scope and governing by example. I happen to live off Winchester Street and I was really excited when it was actually paved a few years ago when the city had bought the farm at the end of the street. I thought, "Gee this is great, it will make it much easier." There is one house between Wallace Street and Nahanton Street. That house shovels its sidewalk; however, the golf course, the City of Newton Nahanton Park and the Jewish Community Center do not. It makes it impossible to get down the street. I must say that the Jewish Community Center does shovel there driveway and I do run through their property and I am a member there, so I guess it is okay but it is impossible. So, that by example I would like to say that this ordinance should be expanded. It should not just be residents. The City of Newton is one of the biggest offenders, at least on the street that I walk on trying to get to the Highlands T stop. The other direction down you have the under Route 9 overpass, where it is not shoveled. You have the little cemetery on the corner of Needham Street, where it is not shoveled and it makes it really difficult and really unsafe. I really hope you pass this ordinance.

Jo-Anne Wyndham, 96 Rowena Road, Newton Centre – I am not sure that there is a whole lot I can say that has not already been said other than I truly support this. I can tell you for all the years that we've live in Newton, since 1983, my kids have gone through the Newton schools and I am a big believer that they should walk. We are .95 miles from Bowen. We are 1.5 miles from Oak Hill and 1.2 miles from Newton South. I have always worked. My kids have always had to walk to and from school, especially from on their own. I can tell you especially from Oak Hill and Newton South they were taking their lives in their hands coming up Parker Street. The banks were often as tall as them, they couldn't be seen and they were out in the middle of the road. My daughter said to make sure to make this point when you go to the hearing because I spend four years worried every time I had to walk home. I think that really speaks to the dangers. I am just amazed that no one has been killed, injured or maybe it has not been reported because you certainly do hear about people in neighboring towns, who have been injured and killed. There have been plenty of them this winter just with people having to go out in the street and being injured by snowplows or trucks or what have you. There was one up in Lowell last week, where an UMass Lowell Student was walking down University Avenue right by the campus who was hit by a car. It can happen anywhere. I also think it is a travesty that we live in Newton. We moved to Newton because the T is here so that I can go to and from work on the Green Line, which I do. I take my life in my hands walking to and from the Green Line. It is 1/3 of a mile and I can tell you that along the streets I walk nobody shovels their sidewalk. The first sidewalk that I get to that is shoveled is mine. We live on a corner. We shovel the entire both sides of it because we feel that it is the right thing to do. I have had people come up to me and say thank you for doing it and I think it is a shame that while I shovel my next door neighbor does not and it is intermittent all down both streets. I am on the corner of Clark. Clark is a well-traveled street. Clark has the speed bumps, yes, the cars are slower but it is narrow. People park on both sides and if you are a pedestrian walking down the middle of that street, as my children had to it is very dangerous. So, I think as a community we need to not only look out for ourselves and what is good for us and what is easy for us but we also need to look out for what is best for the community as a whole. As a society, we don't survive if we only look out for selves. We survive if we look out for our community and the people around us.

Marcia Charpentier, 31 Cottonwood Road, Newton Centre – I don't agree with any of these people. I live on a dead end cul-de-sac and my problems are created by the City of Newton. They push all the snow in front of my house or along the side of my house. Not only do they do a bad job by plowing me in. I have to go out and I have to shovel the sewer so that the water will drain and not build up on the street in front of my house. I do my own driveway. I don't hire anybody and if I can, if the snow is reasonable, which we haven't had this year, I try to shovel a little of my sidewalk. What ever I can but the City just keeps plowing me in and plowing me in and if you talk to the drivers, they don't want to hear you. I think a lot of this is caused by the city. I have a couple of suggestions and also this past winter we've had tree limbs come down. You can't ask people to move heavy tree limbs and when you call the city to get the tree limbs moved they are sarcastic, " Well, we have had two hundred calls, maybe we'll get to you, maybe we won't get to you" well, how can you shovel a sidewalk when you have tree limbs over there. When you can't even move the tree limbs because they freeze in the snow. You have to be reasonable about this ordinance. You can't just say it is this way because there are too many factors and also they shovel over the hydrants, which I shovel. I called the Fire Department because I hear in towns like Brookline you have markers that you can attach to a fire hydrant, so you know even if there is snow on top of it there is a hydrant there. We don't have that in

Newton and when I called the Fire Department, they're sarcastic, "well, we know about where your hydrant is we don't want to deal with that." I think many of the problems are created by the city and I think if you make this ordinance, you have to have reasonable things. First of all, I am over sixty-five and I do all the work myself. I think age has a lot to do with it. There is only so much somebody who is older can do, especially if there is snow after snow. They should not be fined because they physically can't do it or they can't afford to do it. I have not seen any kids walking to school. I think if you live near the T or you live near shopping or your in area where people really have to walk I can understand that. I think with all the taxes I pay in this city, I don't understand why the city can't buy a blower, go down a street after they've plowed everybody in, and do the sidewalks for everybody. They want to do an override. Why should we give the city an override when they don't even do basic things? I am not saying that people should not get together and if they live in an area where they can physically do something, they do it. I don't think this should be...Like this last gentleman said, "you are pitting the city against the residents" and as a resident it is not a comfortable city anymore. It is rich versus poor in this city. In my neighborhood, they tear down houses and build new houses. What about the driveways and sidewalks in front of these houses that they're working on. Who is going to pay the fine for that? To me if you live on the end of a cul-de-sac it is different then if you live on a cross street or a street. I think that the city should take snow away. When you have a lot of snow maybe they should come, take the snow, put it on trucks, and take it somewhere, if you want the residents to shovel. I think you have to make the ordinance balanced because right now, it is to frozen for everybody and not everybody is in the same situation.

Claudette Beit-Aharon, 566 Centre Street, Newton – I am a long-time resident of the city with some breaks in between. We moved here in 1960, when I was a very little girl and everyone shoveled their sidewalk. I have tried walking in many areas where I have heard there have been a lot of complaints about how it is so expensive to have somebody clean your walk and these are people who have lawn services in the summer and I imagine that costs something to have a huge crew show up, mow, rake and mulch, etc...It seems the problem in Newton is more a matter of attitude than ordinance and what other people have said about the city doing its part to clear is true. Hull Street for example, is not cleared so that the kids can walk down the street without slipping. It is appalling how badly that is managed, all of the sidewalks that are actually owned by the city. Big institutions like Mount Alvernia High School and the Carroll School, these are major pieces of sidewalk, that they should be responsible for and the city by plowing the sidewalks it is responsible for can set a tone. The tone has deteriorated dramatically in terms of everybody doing their commonwealth duty to shovel their sidewalk and to make sure the kids can go to school and people can walk that want to walk. It is just a matter of being decent and community minded.

Richard Beecher, 31-33 Elliot Street, Newton Upper Falls – I own a dwelling on Elliot Street and I think that everybody in Ward Five and Ward Six got a letter from me this past week. I was born and brought up in Newton Upper Falls, went through the school system, was on the Fire Department for forty years. I knew no one that was sarcastic, we were there help everybody. I am 81 years old and I shovel my own sidewalk. I am just here regarding what they plow. On Elliot Street, the city plows from Chestnut Street on the even side, which is the right coming from Needham all the way to Route 9. When they hit the fire station that is located at Circuit Avenue, from there to Route 9 there is not one house. I have been after the city to try to go when the plow reaches the fire station for the plow to go across the street for about ten yards and plow

Elliot Street on the left hand side all the way down to Route 9. I understand that they have an archaic plan of plowing. They take care of the ones who squawk a lot. They plow from Hickory Cliff Road, the top of the hill on Route 9 to the Green Line just beyond Margaret Road. From there they don't continue to go to Elliot Street for the people who cross at the bridge for the Green Line. There are six houses from the bridge to Elliot Street I let all of the kids and family come through my yard, as long as they behave. They have to walk out on Elliot Street and walk up to Frances to get the bus. I think it is useless to plow from the Fire Station to Route 9, which very few people walk and they should plow the left-hand side of Elliot Street from Circuit Avenue down to Route 9 and go to the bridge at the T. There are people out there now from Elliot Street to the bridge. They were out there themselves with shovels. When I was sixteen years old, I plowed for the City of Newton from Braelawn Road with a horse and a plow to Route 9. They were plowed and three days later you went on the back of a truck with a shovel and sanded both sides of the sidewalk. Everyone was done and in the machine age, they can't do it.

Bonnie Carter, 177 Homer Street, Newton Centre – I walked over here this evening and I am grateful that I am physically able to walk and I am grateful that the sidewalks were clear and I didn't have to walk in the street. To belabor the obvious, we live in New England, which has four seasons of the year and in the autumn the leaves fall down and they cover the sidewalks and the driveway and yards and somehow we manage to clear them off. We don't pile them on the sidewalks for people to wade through them. It comes winter, the snow falls down on the sidewalks, and some people clear it from their driveways because they have to get out in the car and very often, if a contractor comes they pile it in the sidewalk. I would think that you could ask the contractors to bring a snow blower and do the sidewalk when he is doing the driveway. I think it is also a problem, where the city piles the snow at the intersections, which we have already talked about. I support this ordinance and I think we can find ways to help people clear their sidewalks. I think it is a business opportunity to anybody that has a snow blower.

Maria Leporini, 79 Parker Avenue – I once thought city sidewalks are the city's responsibility all over the city. Maybe that changed over the years. To have residents now go out and shovel city sidewalks, maybe certain areas, I don't know. There are problems for people who enjoy going out walking. We can't walk on sidewalks and you have to walk on the street and have cars driving by splashing water, melting snow and ice all over you. I would never risk my life. It is bad enough crossing in the crosswalks already. I would never think of walking. Also, another problem, I am on my way to work. I am at the end of Woodcliff Road to get on Route 9 and there is a city truck sitting there with a pile of snow on the sidewalk. You cannot even get to the cross light to cross Route 9. I am sitting there waiting for him to shovel the snow on Woodcliff Road so I can get onto Route 9 and he backs up and takes off. I had to back all the way up, go up Oakdale Road. There is another city truck there with a sander. He was nice enough to see that I could not make it over the snow to get on Route 9. He plowed the snow across Walnut Hill Road so I could get on Route 9. What are we paying taxes for? What do I have to do carry a shovel with me to shovel myself out?

Chairman Linsky closed the public hearing. Former Alderman Samuelson clarified that it is not the intent to punish people for not shoveling but to find a solution that works for everybody. The two committees will meet jointly to discuss this item in the near future. Ald. Yates asked if his item requesting a report from the Chief of Police as to how the ordinance

prohibiting the blockage of sidewalks with snow can be better enforced be discussed in conjunction. Ald. Mansfield pointed out when he asked for a report on tickets issued for violation of the dumping snow on sidewalks, he found out that no tickets had been issued. A motion of hold was made in both committees, which carried unanimously in each committee.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#60-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$600,000 from bonded indebtedness for the purpose of purchasing heavy equipment and heavy duty trucks for the Department of Public Works. [01-29-08 @ 6:12 PM]

ACTION: **APPROVED 8-0**

NOTE: Commissioner Turocy joined the Committee for discussion of this item. He explained that the department currently has approximately 200 pieces of equipment. The average life expectancy on equipment is 15 years. Usually the department receives \$900,000 (\$150,000 from the operating budget) for equipment replacement. However, this year the department is only receiving \$750,000 (\$150,000 from the operating budget) to replace various pieces of equipment. The Commissioner provided the Committee with a list of equipment to be replaced (attached) and reviewed the necessity of the replacements. All of the equipment is beyond its life expectancy and are a necessary part of the department's effective operations. The department will pay half of the cost of a new paver with Chapter 90 funds. Pavers are one of the approved purchases of equipment by these funds. There was question as to why the equipment was being bonded but it was decided that it was an issue for the Finance Committee. Ald. Lappin moved approval of the item, which carried unanimously.

#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 7-0 (Mansfield not voting)**

NOTE: Clint Schuckel and Ald. Linsky joined the Committee for the discussion of this item. Mr. Schuckel gave a PowerPoint presentation (attached) regarding the possible redesigns of Elm Road. As part of the site plan Board Order for Newton North, there were seven traffic and/or parking conditions. Mr. Schuckel updated the Committee on the Hull Street drop-off areas. The areas have been created. However, there is a problem with one of the walkway entrances from Hull Street. It does not meet ADA standards for a handicapped accessible entrance. The City is appealing as there are several other options for disabled people to enter the school. Two of the conditions address Elm Road in terms of design and traffic patterns. A determination on what alternative design to select does not need to be made at this time.

Mr. Schuckel reviewed the parking demand at the school. There are currently 425 faculty/staff spaces, 15 visitor spaces, 100 student spaces and 10 Handicapped spaces for a total of 550 spaces. The proposed on-site parking plan contains 400 spaces. There is the possibility of using a scaled down version of the parking permit program in place during the construction to pick-up the additional 150 spaces needed.

There are several options for Elm Road. When looking at Elm Road, it needs to be determined how a design and traffic flow pattern relates to the site, how the road can be designed

to promote traffic calming and provide enough space for school buses and delivery trucks, how the parking count relates to the overall parking count and how the Lowell and Walnut Street intersections will work. There is a recommendation to accept Elm Road as a public way for its entire length. Right now, a portion of the street is a public way and another portion is school property. There is also a "paper street" where the original Elm Road ran from Lowell Avenue to Walnut Street. The width requirements for each of the alternatives are attached. Mr. Schuckel reviewed the current alternative for Elm Road, which is one-way toward Walnut Street with a drop-off for buses and 106 parking spaces on Elm Road. The first alternative creates a turn around towards Walnut Street allowing cars to come in from Walnut Street and turn around at the theater drop-off entrance, still keeping Elm one way from Lowell Avenue to the theater entrance loop. There would be a loss of eleven parking spaces if this alternative were chosen. Alternative 2 makes Elm Road a two way for its entire length with 95 parking spaces on Elm Road. The third alternative is a one-way Lowell Avenue turn around and a two-way loop at the theater entrance. Mr. Schuckel would not recommend further study of this option, as there are conflicts with the ball field and drainage under the roadway.

Mr. Schuckel also pointed out that if Elm Road is one-way from Lowell to Walnut Street two houses on Elm Road will not be able to pull out of their driveways and exit onto Lowell Avenue from Elm Road, as they do now. They will have to drive down Elm Road to Washington Street. Mr. Schuckel stated that it is possible to make Elm two-way until just after the two driveways at the Lowell Avenue end and create parallel parking spaces along the other side of the street. Several Committee members felt that this was not a good option, as it would create conflicts and people would pull into the driveways to turn around and exit out of Elm onto Lowell Avenue.

Mr. Schuckel asked if it is the Committees preference to have parking on one-side in the narrow section and have the street width be closer to 26' rather than 30'. Ald. Lappin felt that it would be prudent not to eliminate parking spaces. Ald. Gentile pointed out that when the parking permits were given out everybody and their brother got a permit to be covered. The current parking at the school is more than sufficient. Part-time people share spaces and people are coming and going all day long. Ald. Gentile has never had a problem finding a parking space and he is at the school often. Ald. Schnipper stated that she would like to have the design that is the least restrictive in terms of future needs.

Ald. Schnipper and Ald. Gentile provided further updates on the Newton North project that did not relate to Elm Road. The bids on the steel packages had come in earlier in the week. They have been reviewed and there was a recommendation to the Mayor to purchase the steel, as the price is favorable. The Mayor sent a correspondence to the Board this past Friday. There was a discussion with Sandy Pooler regarding the financing plan. It is their understanding that at least the rough outline of the financing plan will be available for the meeting on February 13, 2008. There will be a presentation and part of the presentation will include information on the possibility of using 30-year bonds. The Executive Department has been doing some research and they are under the impression that with Newton's approval rating that it can go for thirty year bonding through they Emergency Finance Board. Ald. Schnipper and Gentile asked that the information be conveyed to the Board. The Board was notified that the new contract with the architect has been signed. What the Board did not know was that there was a transfer out of the contingency line item of approximately \$4 million. The reason for that is the Comptroller made

it clear to the Administration that he would not sign the change order unless there was money in the account for the entire amount. Whereas, the city needed about \$500,000 to pay the December bill, it was at the request of the Comptroller that all the money ended up being transferred out of the contingency fund. The contingency fund will be replenished.

David Wilkinson will be giving the Board a memo on the practice on how change order invoices are handled. Any invoice that comes in is signed off on by the architect, the project manager, the construction and by Commissioner Parnell. Ald. Gentile and Schnipper are still discussing the possibility of the Board having the ability to review change orders. It is Ald. Gentile's understanding is that a considerable amount of the design team's time this past week has been spent on getting information on the proposed renovation or academic wing. He would expect that the figures will be released shortly. Ald. Gentile also thought it would be a good idea for the Board to make a site visit.

Re-appointment by Board President

#47-08 PRESIDENT BAKER recommending Ald. Anthony Salvucci be re-appointed as a non-voting Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **APPROVED 8-0**

NOTE: Ald. Salvucci was present for the discussion of his reappointment. He is willing to continue to serve but would like the Board to look at the possibility of changing the ordinance to give the appointee voting rights. There is a docket item before the Committee requesting review and possible amendments to Section 5-58 of the City Ordinances. Ald. Yates moved approval of the reappointment, which carried unanimously.

Chairman's Note: All of the reappointments below were held in Committee in order to meet with each of the reappointments to discuss their work on either the Design Review Committee or the Designer Selection Committee.

Re-appointment by Board President

#44-08 PRESIDENT BAKER recommending Peter Barrer, 24 Hazelton Road, Newton Centre, be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Re-appointment by Board President

#45-08 PRESIDENT BAKER recommending Mark Chudy, 34 Prescott Street, Newtonville, be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Re-appointment by Board President

#46-08 PRESIDENT BAKER recommending Robert O. Smith, P.E., 55 Chester Street, Newton Highlands be re-appointed as an Aldermanic appointee to the DESIGN

REVIEW COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Re-appointment by the Board President

#48-08 ALD. BAKER recommending Lawrence Bauer, 42 Eliot Memorial Road, Newton, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Re-appointment by Board President

#49-08 PRESIDENT BAKER recommending Howard Goldberg, P.E., 27 Theodore Road, Newton Centre be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Re-appointment by Board President

#50-08 PRESIDENT BAKER recommending Joseph Michelson, 94 Park Avenue, Newton be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/09. [01-17-08 @ 3:48 PM]

ACTION: **HELD 8-0**

Respectfully submitted,

Sydra Schnipper, Chairman

Newton North High School: Elm Road Plan

Clint Schuckel

City Traffic Engineer

City of Newton Public Works Department

Engineering Division

Public Facilities

February 6, 2008

Site Plan Board Order # 224-06

There are 7 traffic/parking-related conditions for a “comparative design”:

- **3d: Elm Road <= 30 feet wide for max. buffer**
- **3e: Lowell Ave drop-off, traffic patterns on Elm**
- ✓ **3f: Hull St: create drop-off areas (YES)**
- ✓ **3j: Walnut St: create bus drop-off area (NO)**
- **4: Walnut St: safety improvements Mill to Cabot**
- **5: Walnut St/School Driveway signalization**
- ✓ **7: School Driveway: No added parking spaces (YES)**

Elm Road Design

- How does the design & traffic flow pattern relate to the site as a whole?
- How can the design of Elm Road most effectively promote ‘traffic calming’ and provide adequate space for school buses & delivery trucks?
- How does the parking count on Elm Road relate to the overall parking space count?
- How will the Lowell & Walnut intersections work?
- What alternatives were studied?

School Property

City Public Way

Walnut St

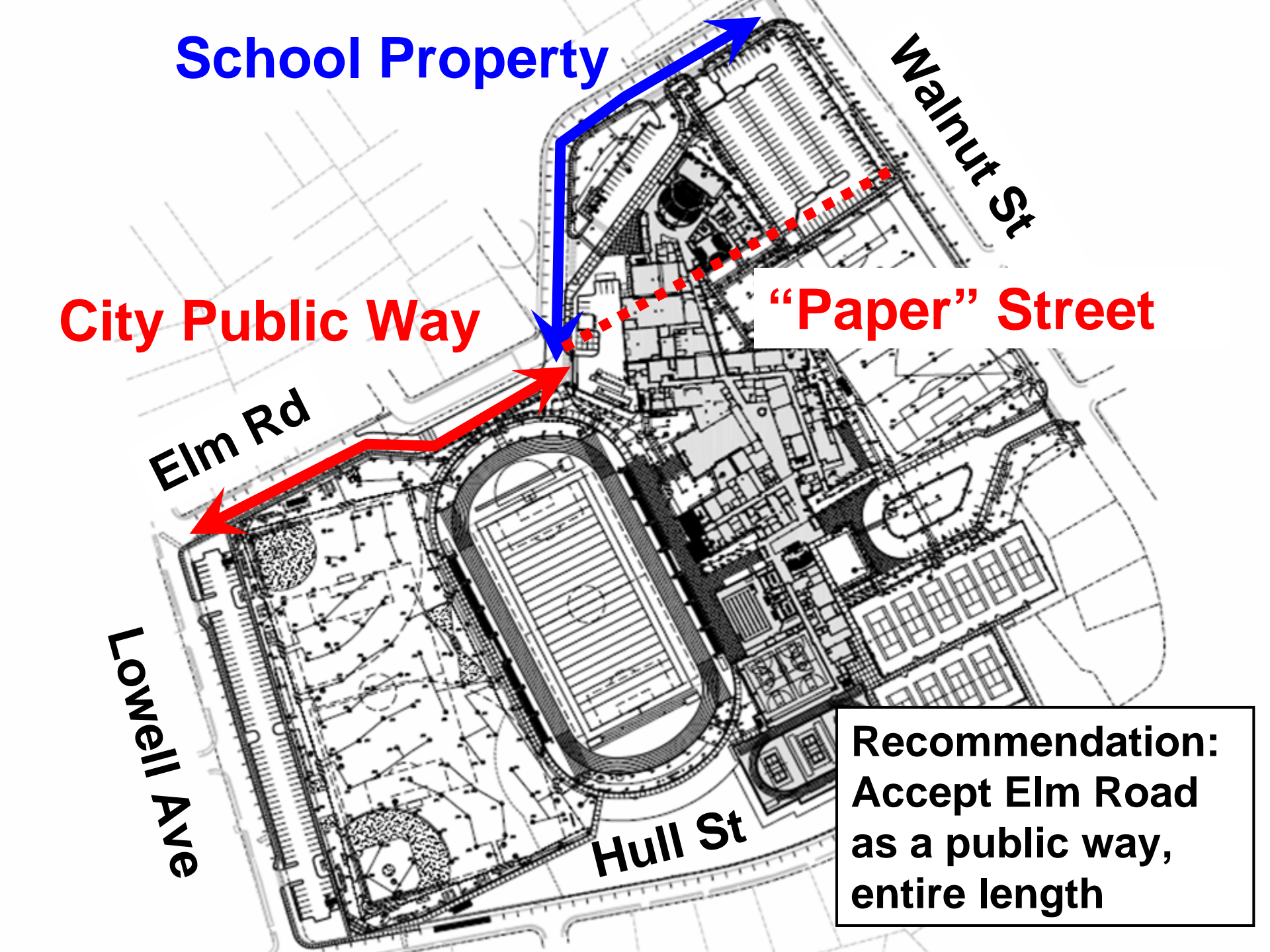
“Paper” Street

Elm Rd

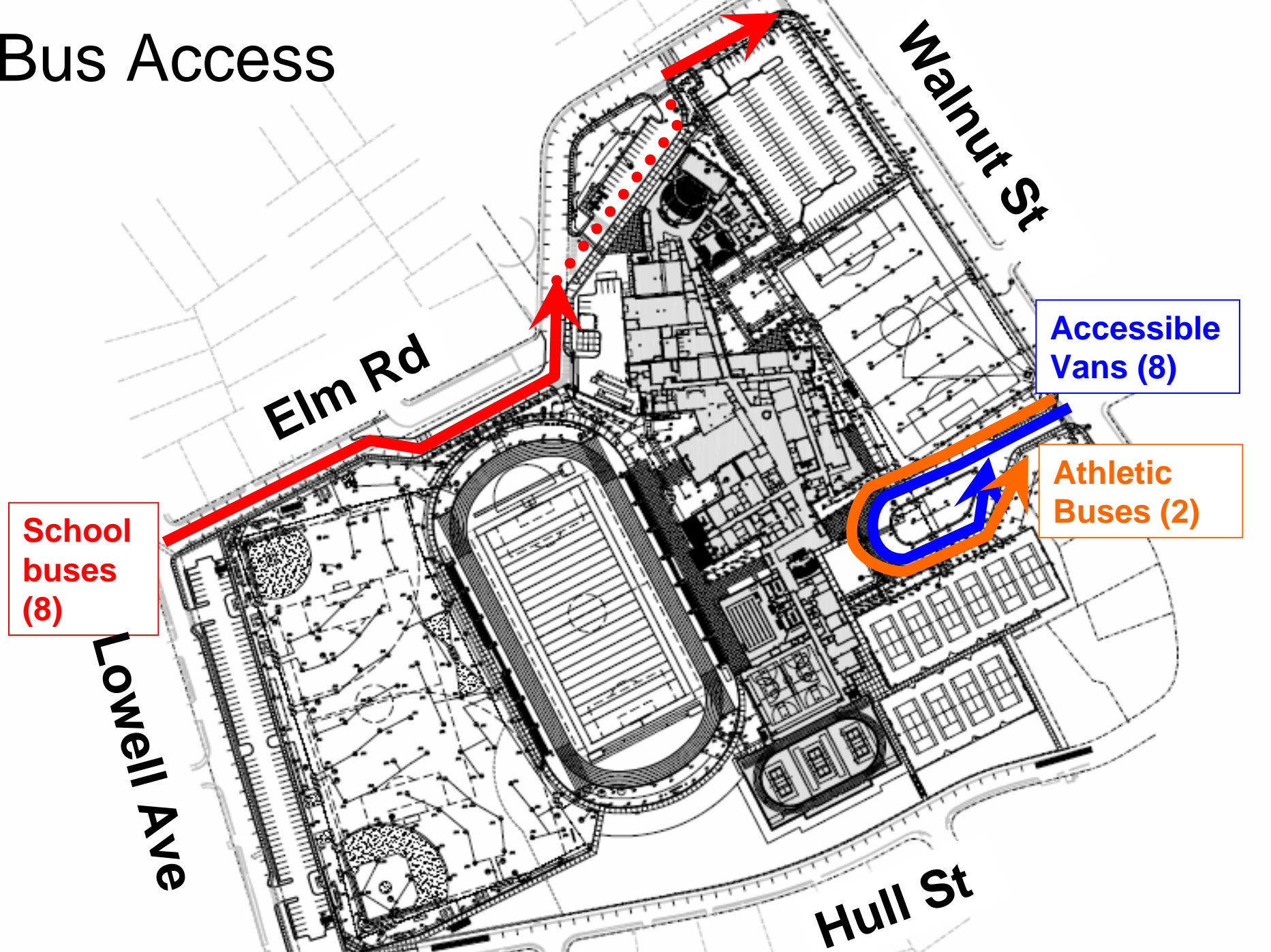
Lowell Ave

Hull St

**Recommendation:
Accept Elm Road
as a public way,
entire length**



Bus Access

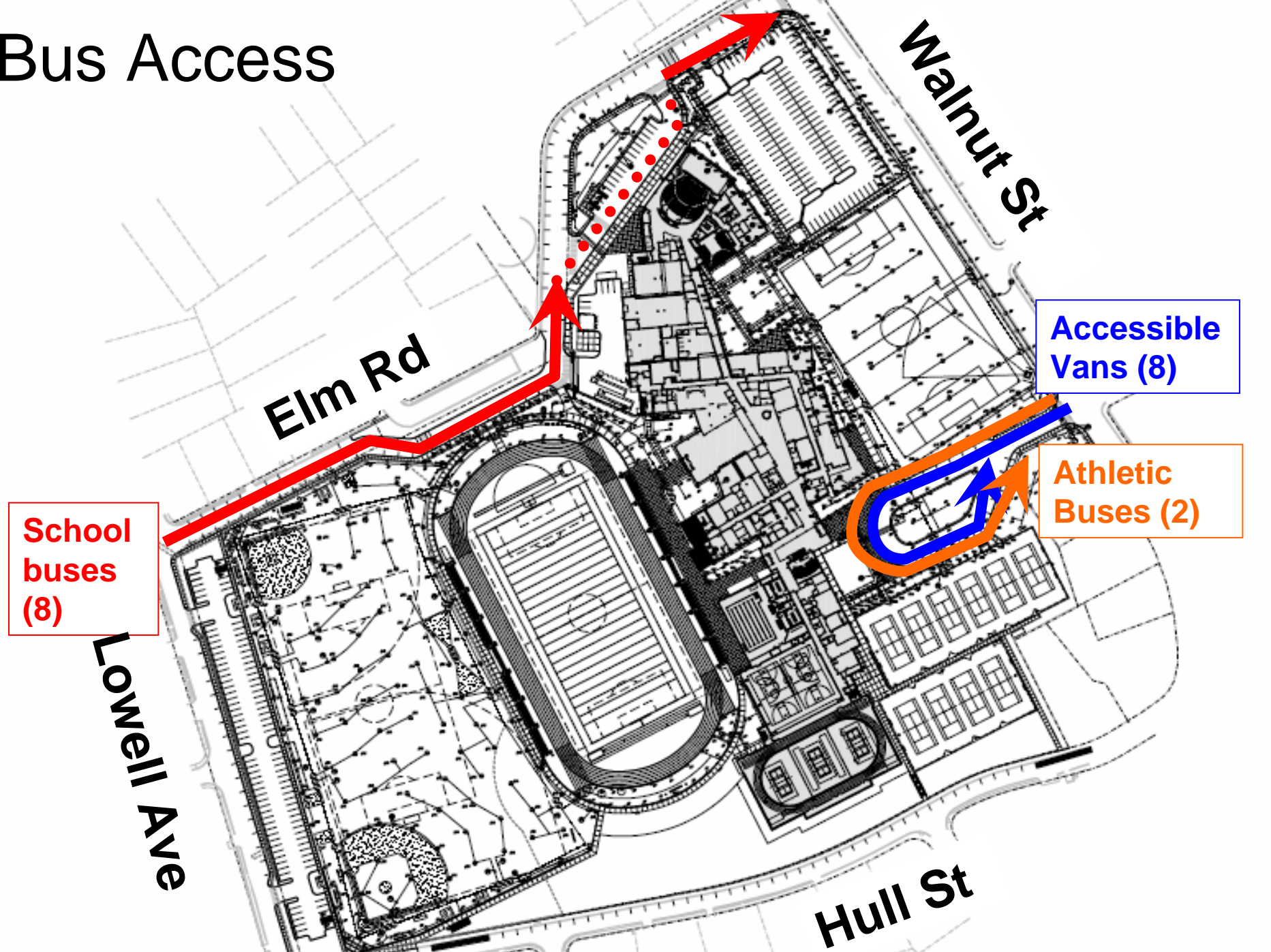


School buses (8)

Accessible Vans (8)

Athletic Buses (2)

Bus Access

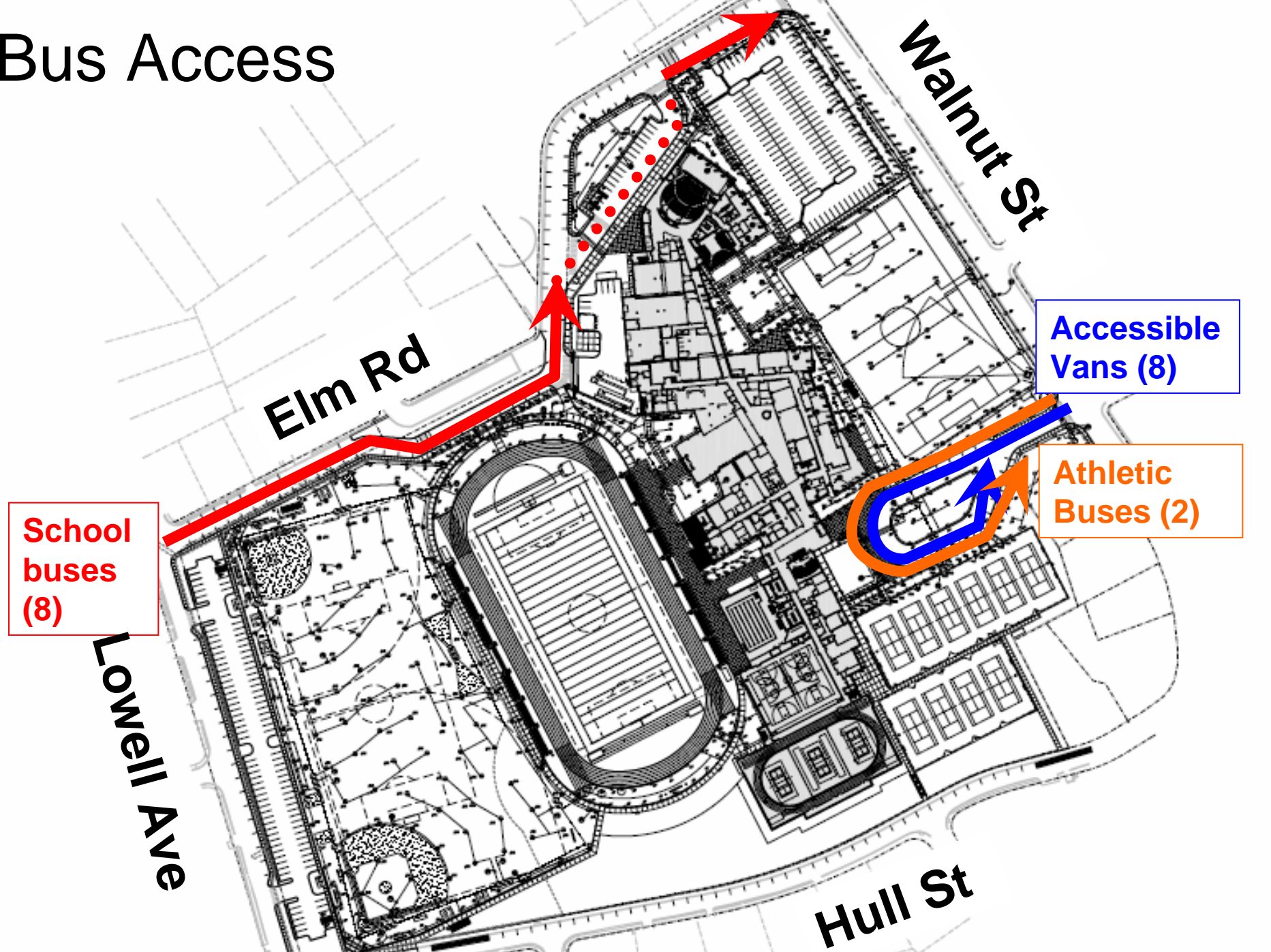


School buses (8)

Accessible Vans (8)

Athletic Buses (2)

Bus Access

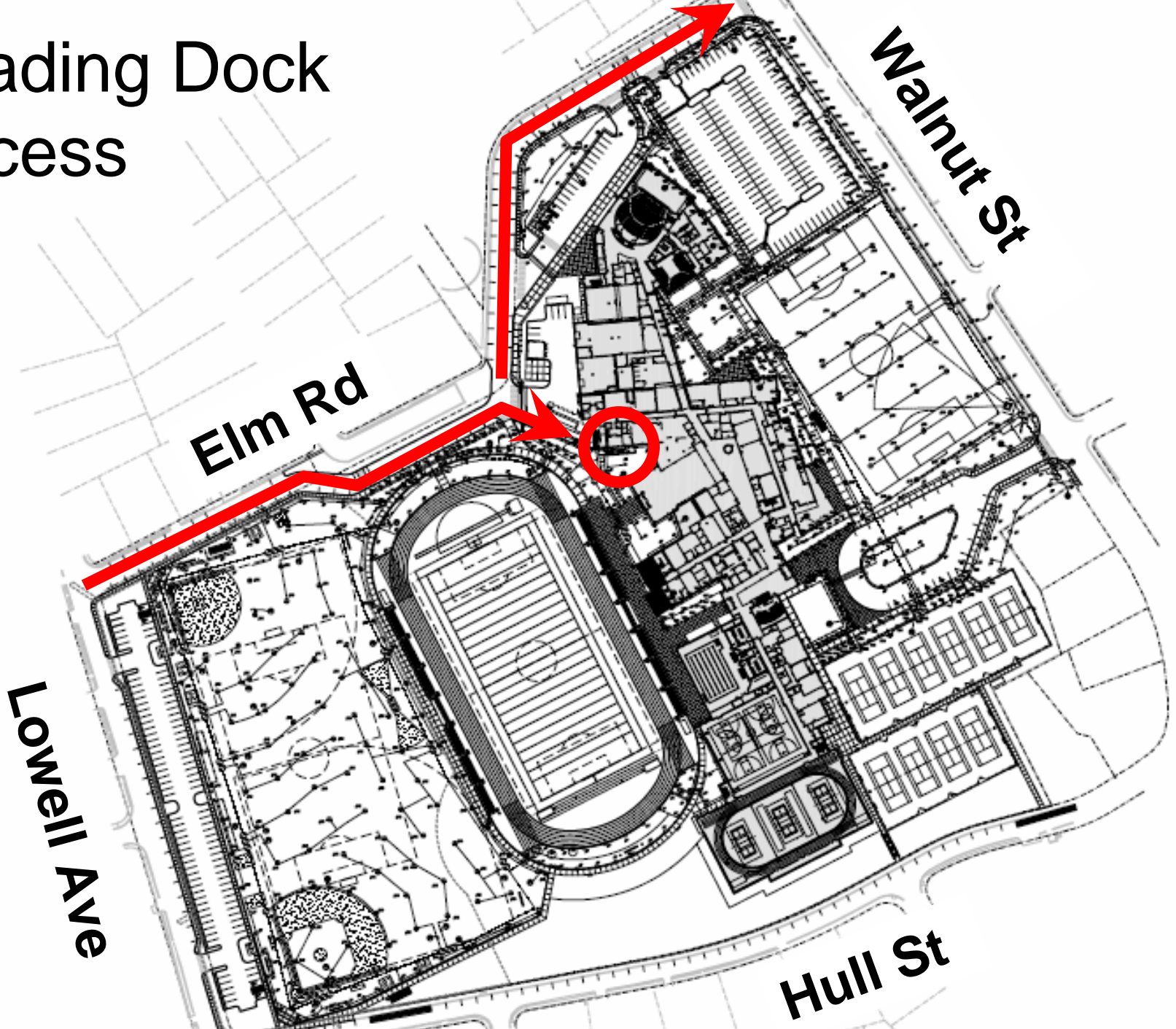


School buses (8)

Accessible Vans (8)

Athletic Buses (2)

Loading Dock
Access



Elm Rd

Walnut St

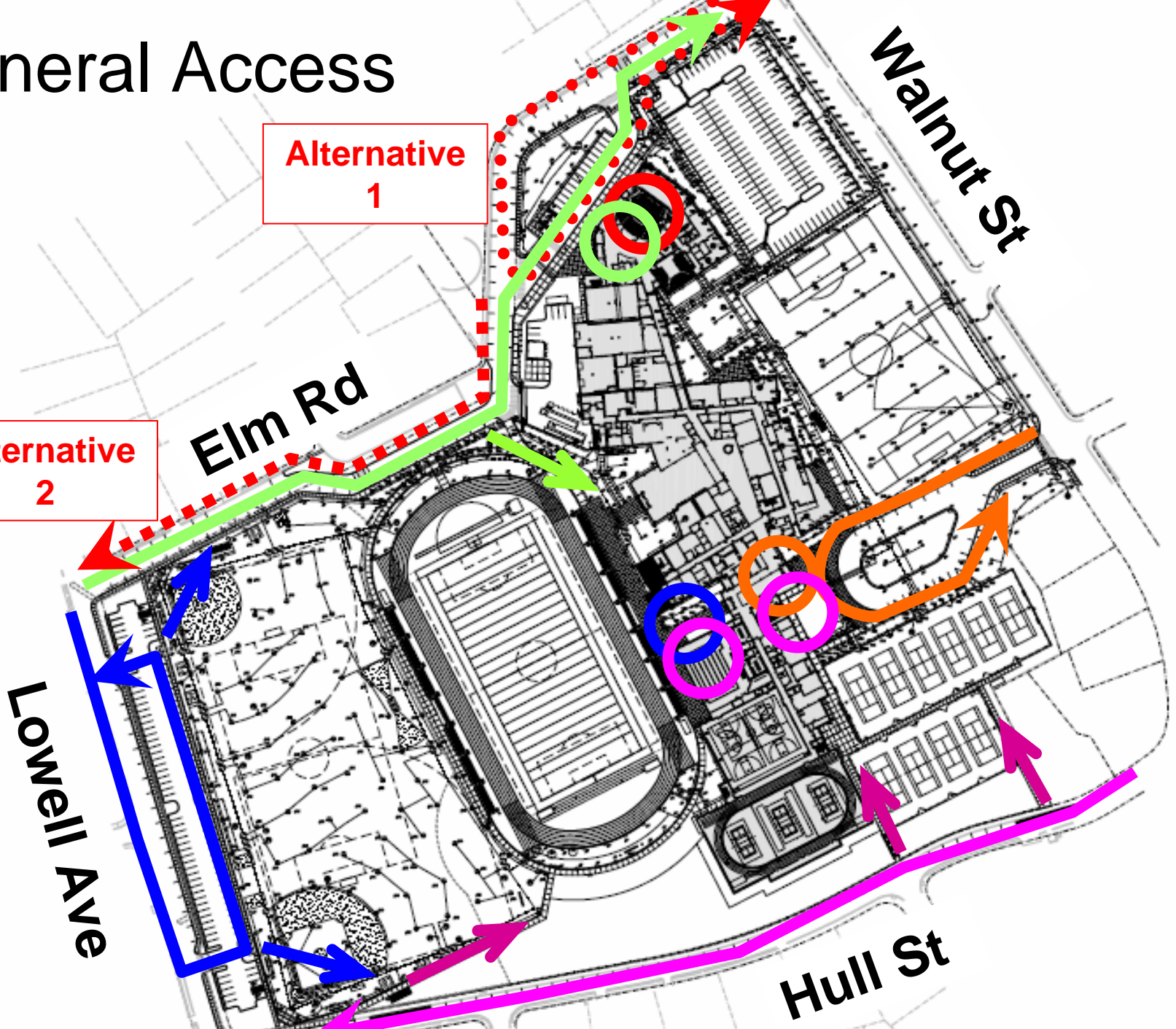
Lowell Ave

Hull St

General Access

Alternative 1

Alternative 2



Elm Rd

Walnut St

Lowell Ave

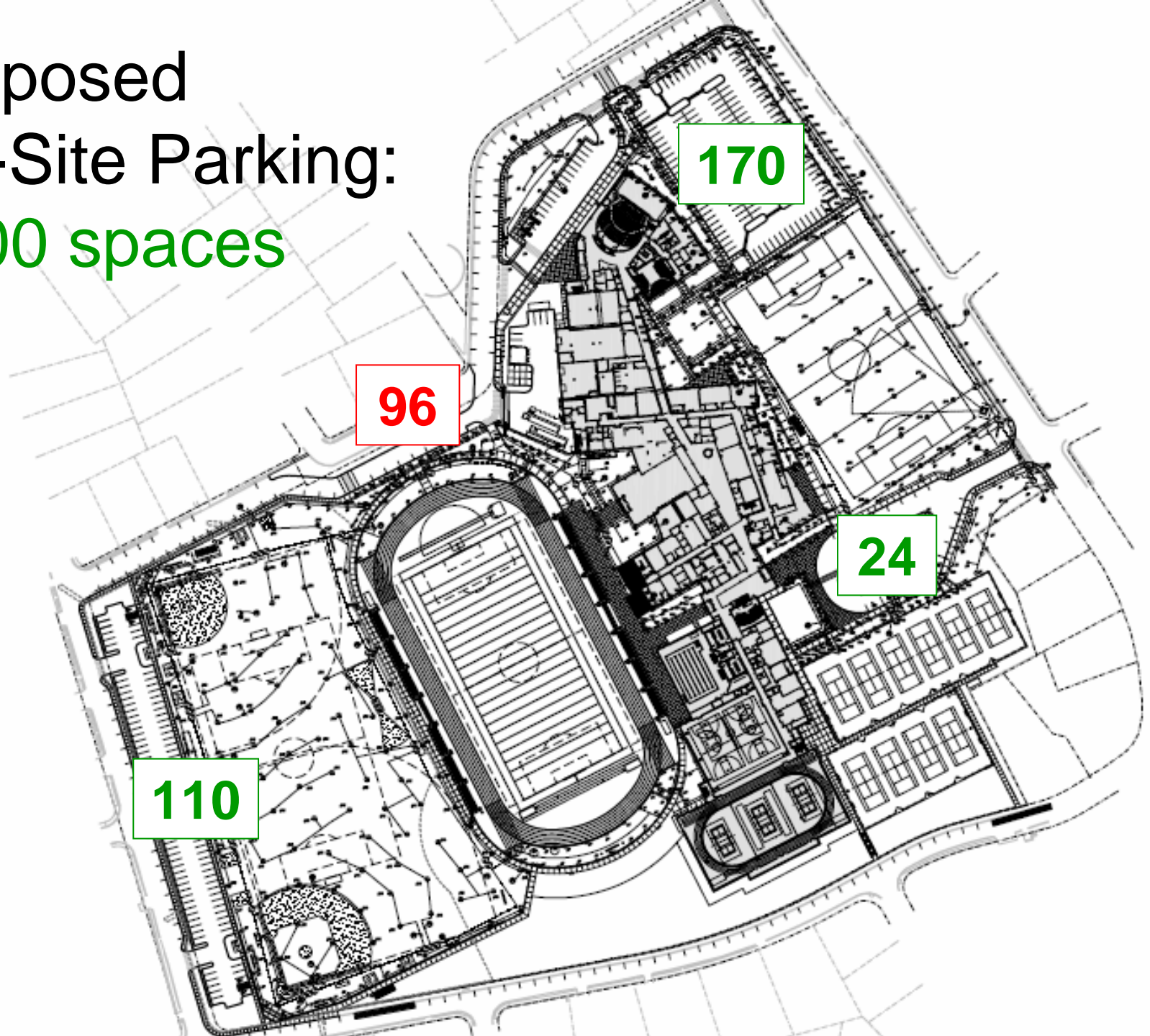
Hull St

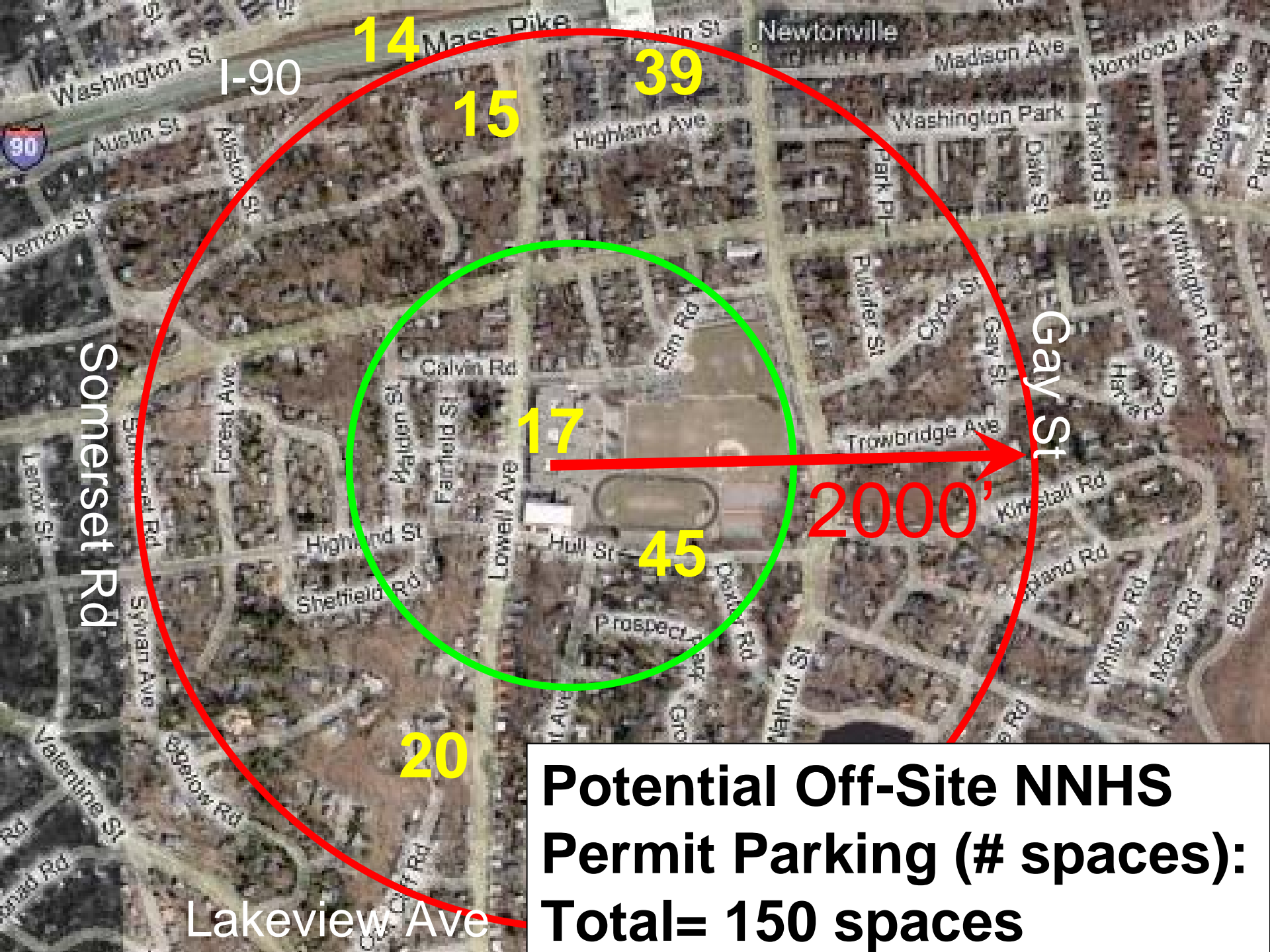
NNHS Parking Demand

- **Faculty/Staff = 425 spaces (existing # permits)**
- **Students= 100 spaces (existing # permits)**
- **Visitors= 15 spaces**
- **Handicap= 10 spaces**

TOTAL= 550 spaces

Proposed On-Site Parking: ~400 spaces





**Potential Off-Site NNHS
Permit Parking (# spaces):
Total= 150 spaces**

NNHS Proposed Parking Supply

- **On-Site Parking: 400 spaces (73%)**
- **Off-Site (Permit) Parking: 150 spaces (27%)**

TOTAL= 550 spaces

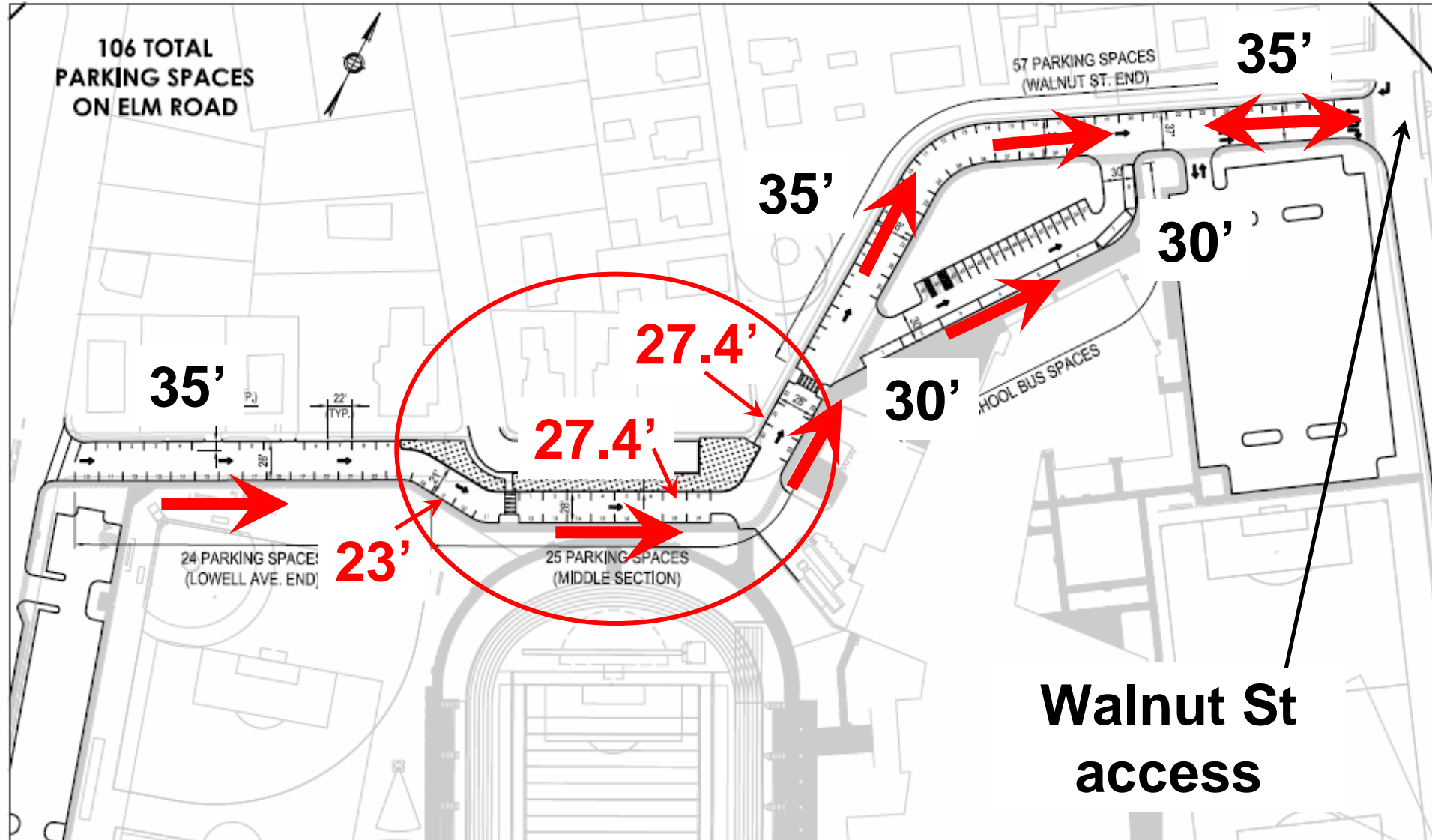
Elm Road Width Recommendations

- Two-way + Two-side parking = 36' +/-
- Two-way + One-side parking = 30' +/-
- Two-way + No parking = 24' +/-

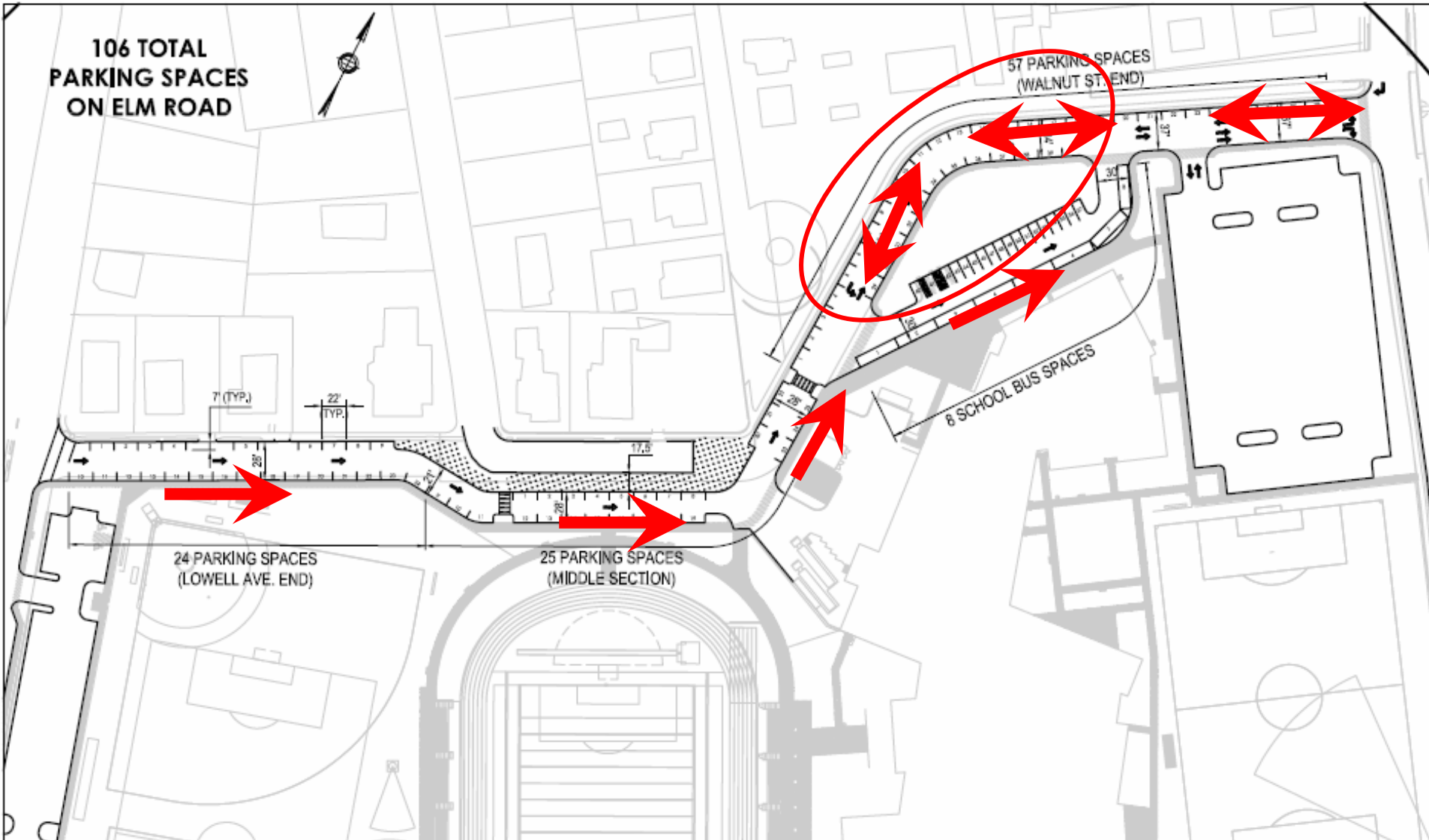
- One-way + Two-side parking = 30' +/-
- One-way + One-side parking = 24' +/-
- One-way + No parking = 18' +/-

Note: Elm Road plan generally leaves north side curb & sidewalk “as is” with changes to curb on south side only.

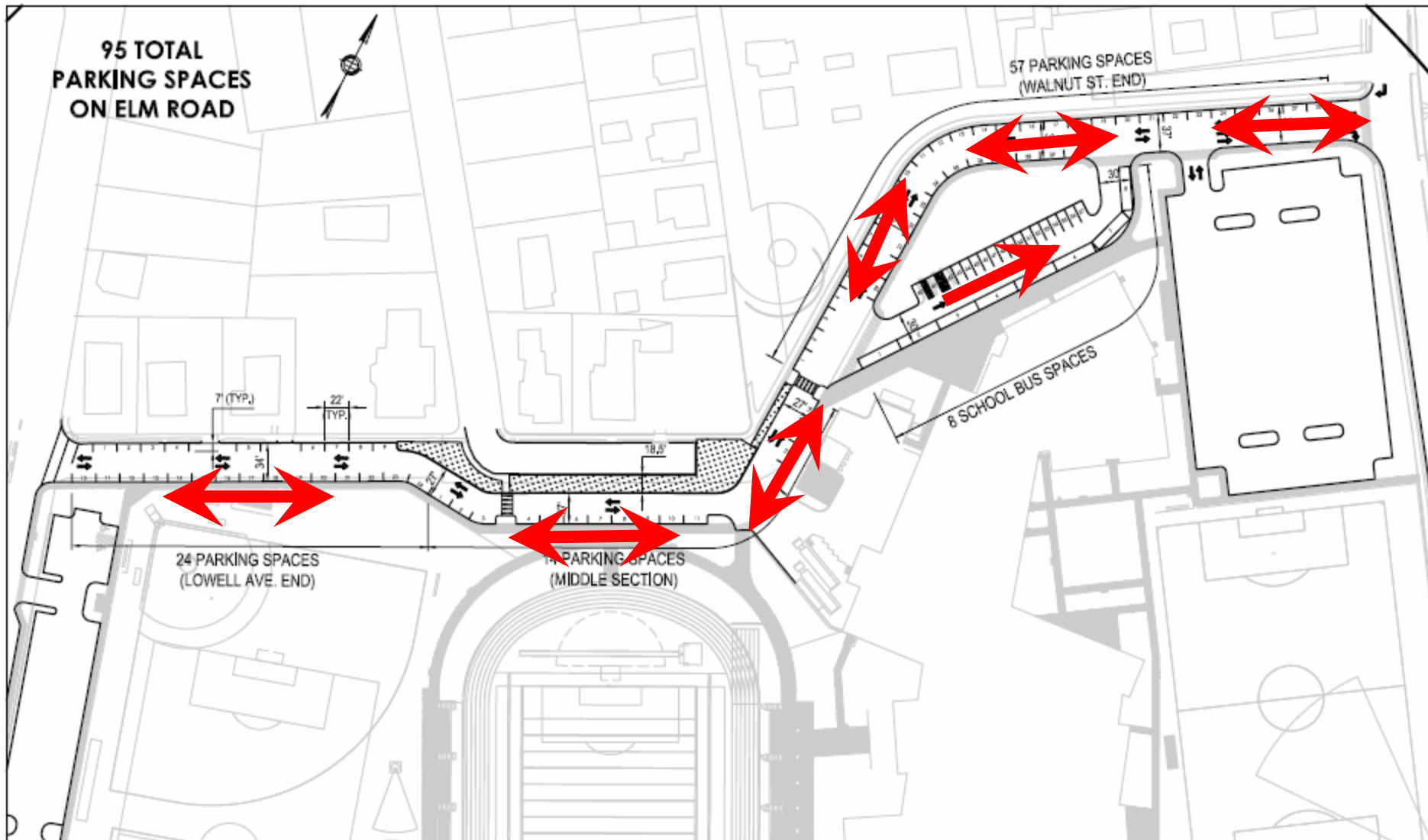
Current Plan: One-Way Entire Length



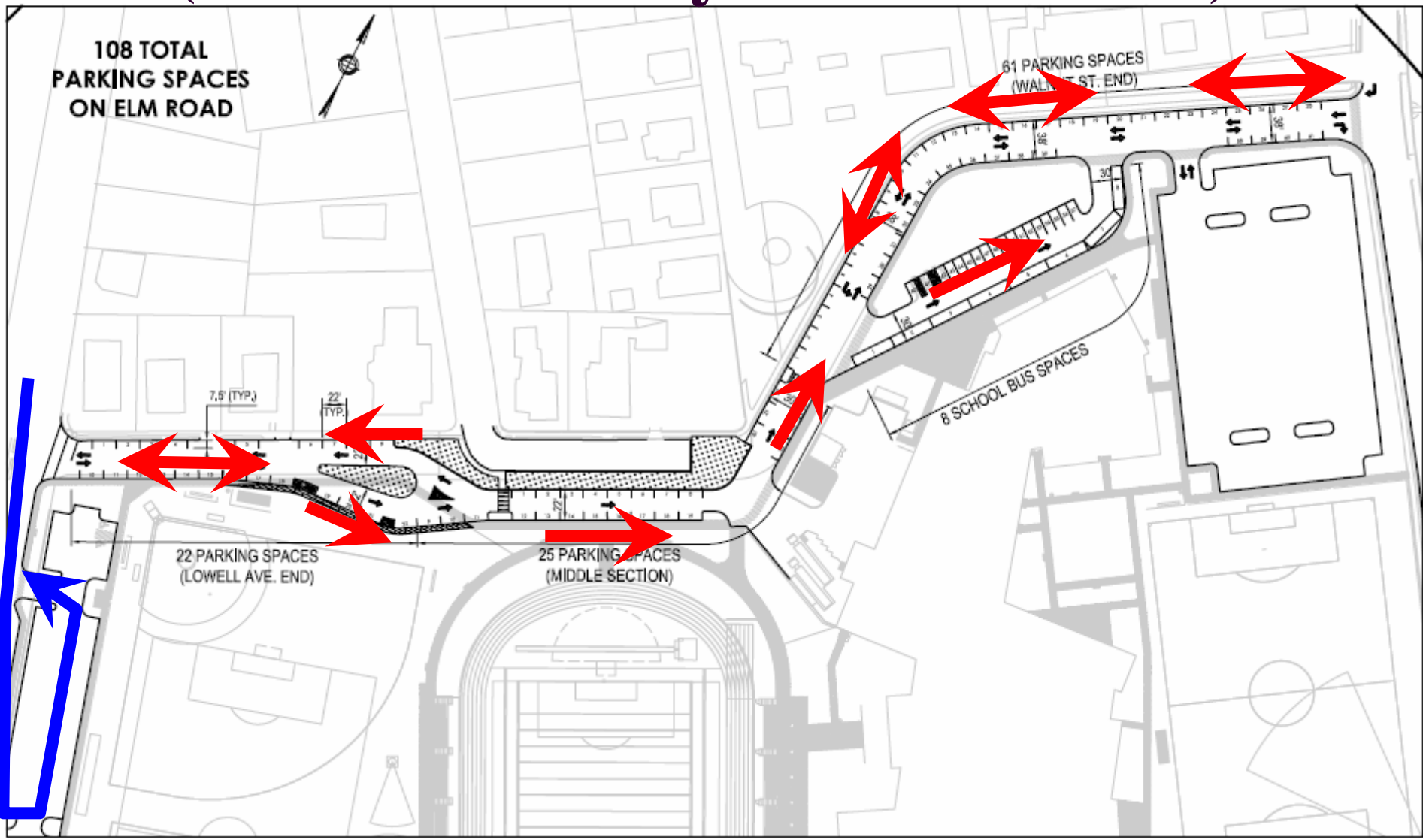
Alt 1: One-Way + Two-Way Theatre Loop



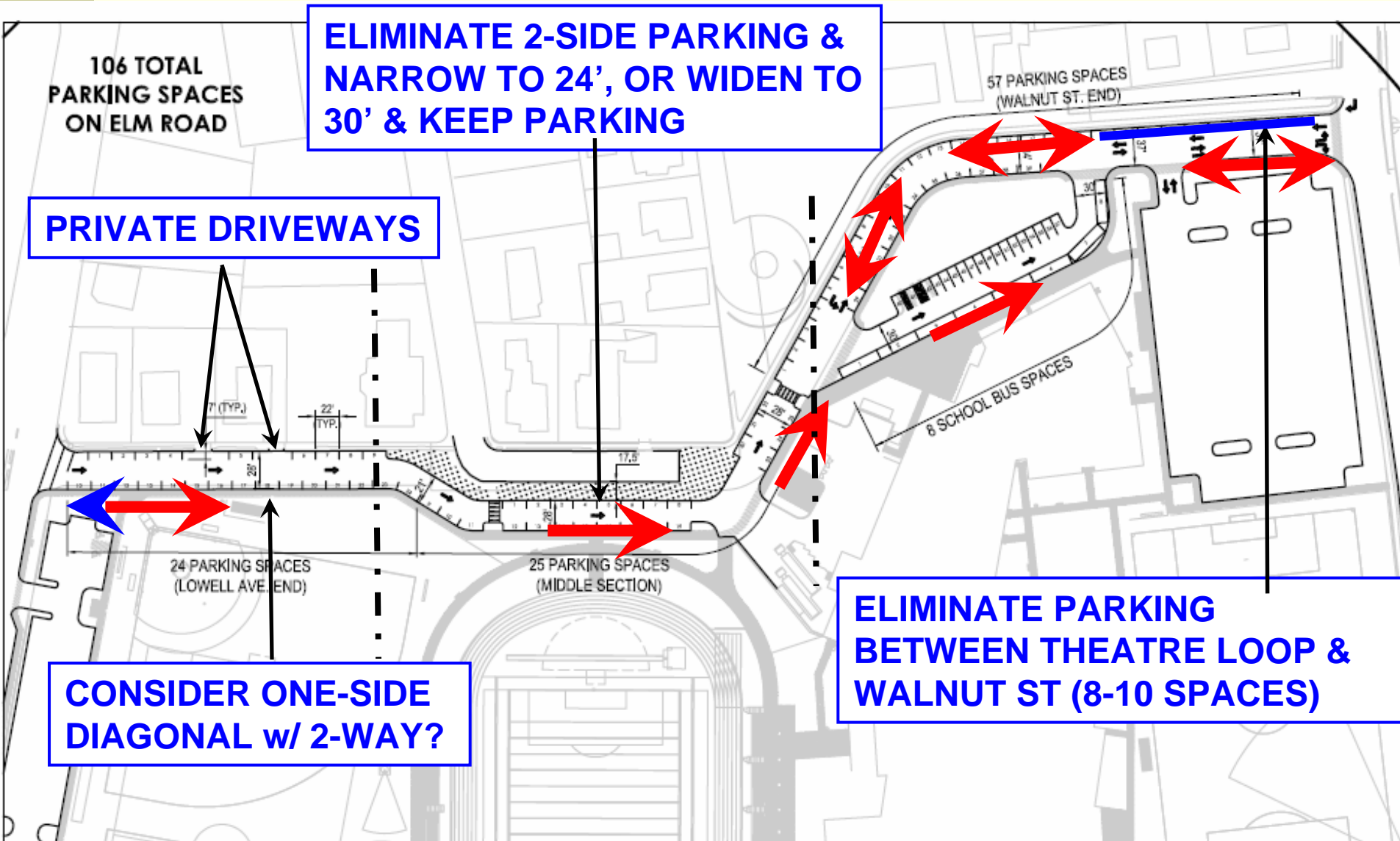
Alternative 2: Two-Way Entire Length



Alternative 3A: Alt 1 + Lowell Loop (no further study recommended)



Alt 1: One-Way + Two-Way Theatre Loop



89-91
Driveway

83-85
Driveway

No Parking

No Parking

Lowell Ave

20'

35'

15'

5'



Walnut St →

Softball field

