

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 22, 2008

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

Absent: Ald. Yates and Lappin

Also present: Ald. Brandel, Coletti, Danberg, Freedman, Harney, Hess-Mahan, Johnson, Merrill, Parker and Sangiolo

City personnel present: Clint Schuckel (Traffic Engineer), Lou Taverna (City Engineer), Arthur Cabral (Budget and Project Specialist; Public Buildings Department), A. Nicholas Parnell (Public Buildings Commissioner), Amy Yuhasz (CDBG Planner) and Shawna Sullivan (Committee Clerk)

#342-08 ALD. SANGIOLO, HARNEY AND GENTILE requesting raised crosswalks/intersections at Grove and Cornell Streets and Grove Street and Pine Grove Avenue as approved by the Traffic Council to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [07-28-08 @ 11:35 AM]

ACTION: **HELD 4-0 (Lennon and Mansfield not voting)**

NOTE: Ald. Harney and Ald. Sangiolo joined the Committee for discussion of this item. Clint Schuckel, Traffic Engineer, gave a PowerPoint presentation, which included “Traffic Safety & Calming Projects: How to get from Concept to Construction” and Grove Street (attached.) The presentation began with an explanation of how to bring a traffic-calming project to fruition. The presentation pointed out that most streets do not qualify for traffic calming and funding for traffic calming is limited. The Traffic Council came up with traffic calming criteria/scoring to be used, when determining whether a specific street is an appropriate place for traffic calming. The criteria focus on volume of cars, speed of cars, police, and fire ranking, proximity to a school and pedestrian volume. There are three ways that traffic-calming projects are funded; 1) the Mayor could appropriate funds within the budget or allocate Chapter 90 funds 2) via mayor/special appropriation such as parking meter receipts, budget reserve or free cash and 3) other funding sources like CDBG funds, development mitigation funds or as a condition of a special permit project. The traffic-calming projects most likely to move forward in a timely manner are the ones funded through the other funding sources, which are the preferred options and projects with an aldermanic champion.

Mr. Schuckel’s presentation also included several examples of completed projects and other projects that are in the pipeline. The examples incorporated recent traffic calming construction costs for curb extensions, speed humps, raised intersections and raised crosswalks. It was very clear that the speed humps were the least expensive option at \$7.5 thousand. The second least expensive option was the curb extensions at \$20 thousand each. The cost of raised intersections and raised crosswalks are driven by the necessity for drainage at the location of the intersection or crosswalk because water cannot flow through them to a catch basin. The raised intersections installed on Woodland Road cost approximately \$60,000 a piece.

Mr. Schuckel gave a history of the request for this project and other projects on Grove Street in Newton Lower Falls. The Traffic Council voted approval of the raised intersections at Grove and Cornell Streets and Grove Street and Pine Grove Avenue (report attached.) Using the scoring criteria for traffic calming projects, Mr. Schuckel came up with 4 points out of a possible 11 points for traffic calming at this portion of Grove Street. It received the maximum number of points for volume and speed but received none for proximity to a school or volume of pedestrians. The project has the support of the three Aldermen representing the ward and funding through traffic mitigation funds from the Cabot, Cabot, and Forbes project. Ald. Sangiolo stated that the intended purpose of a portion of the traffic mitigation fund was for traffic calming in the Grove Street Lower Falls area. There is approximately \$96,016 in the mitigation fund for the Lower Falls improvements.

Ald. Schnipper asked if emergency response vehicles had any problems with the raised intersections that were installed on Woodland Road. Ald. Salvucci responded that a firefighter was injured and the truck's steering column was snapped when it went over one of the raised intersections. It was stated that the accident occurred when the raised intersections were first installed and the Fire Department was unaware that they were there.

Ald. Gentile is concerned that there is not enough money in the mitigation fund for both raised intersections. Mr. Schuckel stated that the intersections on Grove Street might cost less, as the city now has some experience installing raised intersections. The Chair requested a more accurate estimate for the raised intersections and an absolute figure on what is in the mitigation fund. Ald. Gentile asked what portion of the cost for improvements at Concord, Hagar and Grove Streets the city is paying. The City Engineer, Lou Taverna, responded that it was his understanding that the improvements were to be completely funded through the mitigation fund. Ald. Albright suggested doing one raised intersection and one raised crosswalk. Mr. Schuckel explained that it is difficult to place a raised crosswalk at an intersection, as it creates turning issues for vehicles.

Several members of the Lower Falls community were present and spoke on the item. Josh Princeton was concerned that if the mitigation funds are not used for the project, it will not be done. Ald. Gentile asked for their thoughts on which intersection of the two would be more appropriate for a raised intersection. Jim Slattery stated that the Grove and Cornell site is more important. Norman Seaman stated that he has done research on traffic calming and learned that traffic calming devices should be spaced 600' to 800' apart to be effective. There needs to be some type of traffic calming at these locations on Grove Street. Mr. Seaman asked if there other less expensive alternatives that would work at either location. He felt that it would be possible to place a raised crosswalk just north of Pine Grove Avenue and a raised intersection at the Cornell location.

Mr. Schuckel stated that speed humps are a more effective alternative and less expensive. However, to install speed humps on a street, it would require an ordinance amendment. Ald. Sangiolo asked if the proposed improvements were to be changed would it have to go back to the Traffic Council. Mr. Schuckel replied that the item is effectively out of the Traffic Council. Ald. Danberg asked if the Fire Department would have any issues with the use of speed humps on Grove Street. Ald. Salvucci stated that there was no way that the Fire Department would be in favor of speed humps at any location. Mr. Schuckel pointed out that there have been many

improvements in construction of speed humps, which make them less detrimental to emergency vehicles.

Ald. Albright moved hold on the item for further investigation of the speed hump alternative, better estimates on the raised intersections and the absolute amount of funding available in the mitigation fund. The Chairman would like a sense of when the information will be available. Mr. Schuckel stated that he would have the information within three or four weeks. The item will be discussed again at the second meeting in November or the first meeting in December.

#343-08 **HIS HONOR THE MAYOR** proposing that Chapter 25, **Public Works Department**, be amended by adding to **Section 25-1., Office and department established; appointment and removal.**, language designating the Public Works Commissioner as the official empowered to issue trench permits to bring the City into compliance with GL chapter 82A requiring permits for all trenches excavated on public and private property. [09-30-08 @ 4:15 PM]

ACTION: **APPROVED 5-0-1 (Mansfield abstaining)**

NOTE: City Engineer Lou Taverna joined the Committee for discussion of this item. He explained that ordinance amendment is needed to add language, which designates the Commissioner of Public Works or his designee as the official empowered to issue trench permits. It was decided that the Commissioner was the most appropriate official as the department already handles street opening permits and it makes sense to tie the trench permits to that function. The amendment will bring the City into compliance with the new State trench-safety legislation that will go into effect on January 1, 2009. The new legislation is designed to prevent the public from accessing an unattended trench on both private and public property. The draft amendment to §25-1 of the ordinances is attached, as well as a description of the responsibilities of the permitting authority from the State's Department of Public Safety and Department of Labor, Division of Occupational Safety.

Ald. Coletti stated that he hopes the authority is vested in the Commissioner and not his designee. He is concerned that the trench permits will create timing problems especially in the case of an emergency. He feels strongly that there should be a mechanism to waive the permit if there is an emergency. Mr. Taverna believes that there is a measure within the legislation, which allows emergency work to take place. He will check with the Law Department to make sure that is the case and will provide the Board with that language. (Please see attached FAQ from the State's website.)

The Chairman pointed out that the Board does not have much of a choice on whether to approve the item or not. The change is needed to bring the city into compliance with State law. Ald. Salvucci moved approval of the item, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#355-08 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend seventy five thousand dollars (\$75,000) from Budget Reserve to the Public Building Department Accounts for the costs related to the conversion of the boilers at City Hall and the Carr School from oil to natural gas. [09-30-08 @ 4:16 PM]

ACTION: APPROVED 6-0

NOTE: Public Buildings Commissioner Parnell and Arthur Cabral, the Public Building Department's Budget and Project Specialist, presented the item to the Committee. The request is for \$75,000 to convert the boilers at City Hall and the Carr School to gas. The price of oil has risen recently and the conversions would allow the choice of heating with gas. The request is based on the drawings prepared by RDK Engineers. National Grid will bring the gas line to both buildings for free.

Ald. Coletti spoke on the item. He is concerned that the Mayor's letter does not specify that the burners for the boilers are to be co-fuel burners. If the City does not leave the option of burning oil for heat, it will have to remove the oil tanks within six months. The process of removing underground storage tanks can be very difficult and expensive. He would like to be sure that there is one boiler for oil and one boiler for gas in both buildings. Commissioner Parnell will provide the Committee with a letter stating that it is the intent to install co-fuel burners leaving the city the option of burning oil as well as gas (attached.) Ald. Coletti asked that the Commissioner make sure that the same specifications for boiler replacements are used for both the city and schools. The Commissioner stated that both the schools and city would have the same specifications in terms of the conversions.

Ald. Salvucci moved approval, which carried unanimously. Ald. Schnipper requested a cost breakdown on the boilers before the Finance Committee meeting.

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

#357-08 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend twenty-five thousand dollars (\$25,000) from Budget Reserve for additional design options for the City properties at Crystal Lake. [09-30-08 @ 4:16 PM]

PROGRAMS & SERVICES APPROVED 5-0 (Freedman, Sangiolo and Merrill not voting)

ACTION: APPROVED 4-1 (Salvucci opposed; Gentile not voting)

NOTE: The Programs and Services Committee joined the Committee for discussion of this item. The item was held by both Committees on October 15, 2008 for an opportunity to look at the conceptual plans and estimates related to the master plan for the city's properties at Crystal Lake. Commissioner Parnell and Amy Yuhasz, CDBG Planner, also joined the Committees for the discussion. Commissioner Parnell gave a slide presentation of the various plans that have been created by the architects to develop a master plan for the city-owned property at Crystal Lake. The plans include options for the existing bathhouse lot, the 20 Rogers Street property, a portion of 230 Lake Avenue property and a connection to Levingston Cove Park. Commissioner Parnell stressed that the master plan is a work in progress.

Members of both Committees were concerned that none of the draft plans increased parking at the bathhouse site. Ald. Baker and Brandel felt that the neighbors might take issue with the parking, as they have to deal with the overflow on neighborhood streets. Ald. Mansfield stated that the neighbors were more concerned about the drop-off situation on Rogers Street, which creates traffic problems. This issue will be addressed with the reconfiguration of the existing lot. Ald. Baker stated that there needs to be a degree of access to the site and he is still

concerned that the program does not address additional parking needs. Ald. Johnson would like to see a twelve-month use of the site. She also asked if there are any plans for additional lifeguards, if swimming is available in different areas of the lake. Amy Yuhasz stated that she would bring the parking lot configuration and the need for additional parking up at the next meeting of the Crystal Lake Task Force.

Ald. Hess-Mahan asked for clarification on what the city is getting for the additional funds. The funds will be used to incorporate the property at 230 Lake Avenue further into the master plan and the cost of the architects attending additional meeting with the Crystal Lake Task Force. Ald. Hess-Mahan then inquired if the architects will be coming up with more options. Amy Yuhasz responded that at the next meeting the task force would attempt to narrow down the options. Ald. Coletti requested a breakdown of what has been spent to date for the Finance Committee discussion on the item. He would also like to know if the City took title for the 8000' of land at 230 Lake Avenue. Commissioner Parnell stated that the city did acquire the 8000' of land. There is an easement along the shoreline for a vegetative buffer and a pathway. The conservation restriction and easement language is attached. Ald. Albright suggested holding back between two to five thousand dollars to pay for the architects to visit the Board. Ald. Coletti stated that there had better be money for a presentation of the completed master plan to the Board of Alderman. Ald. Baker felt it was very important that the Board have some flexibility to make changes to the plan. Ald. Lennon has some experience with master plans due to the Stearns/Pelligrini Master Plan and he stated that the master plan was a recommendation and there was the ability to make changes to the plan.

There was a motion in both Committees for approval, which carried in Public Facilities Committee by a vote of four in favor and one opposed (Salvucci) and in Programs and Services it was voted unanimously.

ITEM REFERRED BY PUBLIC SAFETY & TRANSPORTATION:

#321-04(2) ALD. JOHNSON requesting a RESOLUTION to His Honor the Mayor requesting that he expeditiously as possible find funding to create traffic calming measures on Mill Street as requested by the Traffic Council.

ACTION: **HELD 4-0 (Salvucci and Gentile not voting)**

NOTE: Ald. Johnson reviewed the history of the item with the Committee. The residents of Mill Street have been searching for a way to slow traffic on Mill Street for years. The street is used as a cut-through between Walnut Street and Centre Street. The street is residential except for the portion that abuts Boston College Law School. Clint Schuckel, Traffic Engineer, gave a PowerPoint presentation on Mill Street. The street is 24' wide, ¾ mile long and the lanes are 10' wide. Approximately 2,200 cars travel the street per day and 85% of the cars are at a speed of 40 mph or below. Six accidents have been reported since January 1, 2000. There have been 223 speeding citations over 4 ½ years. The citation data is not current and Mr. Schuckel does not know if the number has increased. It does have a 25 mph speed restriction on the eastern portion of the street. There is also a no parking restriction at the Boston College Law School end of the street.

The Chairman has driven down Mill Street and stated that the street needs some type of traffic calming. She asked the Traffic Engineer if stop signs were a possibility. Mr. Schuckel responded that the stop signs only slow people down at the sign and could create a noise disturbance for the neighbors due to the sound of cars slowing and stopping. She questioned how traffic calming would work on a long street like Mill Street. Traffic calming is generally effective when traffic calming devices are located every 600 to 800', which makes drivers slow down for the length of the street.

Mill Street appears to be another place where the choice is to rely on speed enforcement or put in six or seven speed reducing devices, which are cost prohibitive. It was suggested that raised crosswalks be revisited. Mr. Schuckel stated that there is not a demand for crosswalks on Mill Street except for the intersection of Morseland and Cedar Streets and in order for the raised crosswalks to be effective in slowing speed they need to be every 600 to 800'. Ald. Johnson pointed out that there are numerous pedestrians on Saturdays due to the proximity of religious institutions to Mill Street.

Committee members felt that perhaps the use of speed humps should be revisited. Mr. Schuckel would have suggested speed humps for Mill Street if it was an option that was currently available. Ald. Mansfield pointed out that speed hump technology has changed and it may be the appropriate time to revisit them. Ald. Schnipper asked about the use of pedestrian warning signals. Mr. Schuckel explained that it will make crossing safer but will not slow traffic down.

It is Ald. Johnson's recollection that the Fire Chief is opposed to speed humps and suggested that the Traffic Engineer contact the Weston Fire Chief regarding speed humps. She drives to work and encounters five speed humps near an office park in Weston. It would be nice to know if the Weston Fire Chief had any issues with those speed humps. She would really like to look at the use of speed humps on Mill Street, as they seem to be the most viable option for slowing speed on the street. She asked that the Committee hold the item for the information from Weston and for further updated data on speeding citations. She also requested more directed patrols for Mill Street. The Committee held the item for discussion in either December or January.

ITEM RECOMMENDED TO PUB. FAC. & FINANCE COMMITTEES ON 10/20/08

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#265-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand five hundred eighty seven dollars (\$150,587) from capital stabilization for the purpose of restoration of the exterior of the Jackson Homestead. [7-8-08 @ 5:17 PM]

ACTION: **APPROVED 1-0-3 (Lennon, Albright and Mansfield abstaining; Salvucci and Gentile not voting)**

NOTE: The item was recommitted to both the Public Facilities Committee and Finance Committee for further discussion regarding cost of the project and the possibility of funding the project through Community Preservation Act (CPA) funds. Commissioner Parnell was present for the discussion on the item and provided the Committee with a new estimate on the project

(attached.) The docket item should be amended to reflect the new amount; however, that cannot happen until a letter requesting the amendment is submitted by the Mayor.

Commissioner Parnell has spoken with Alice Ingerson, CPA Planner, regarding the possibility of funding the project through CPA funds. He was told that the fastest possible route to funding it through the CPA would be April 2009. In order for the project to be completed by the bicentennial celebration for the museum in May, the project must start now. Ald. Lennon asked if it would be possible to replenish the funds expended with CPA funds if it is an approved CPA project. Commissioner Parnell inquired about the possibility but was told by Ms. Ingerson that it was not an option.

The Commissioner provided the completed plans for the exterior restoration of the Jackson Homestead Museum to the Committee. The Committee reviewed the plans. Ald. Mansfield questioned why plans were necessary for this type of project. Mr. Cabral of the Public Buildings Department explained that it is important to know what the current state of the building is before any work is done. The building is historically significant and there is no way to know if there are underlying problems without plans.

The Committee members questioned the advisability of replacing a roof in the winter. Commissioner Parnell stated that roofs are replaced throughout the year. There was still concern about the replacement due to the possibility of bad weather creating damage to the building. The Committee members were very surprised at the cost of the project. The Chair agreed the project was very expensive but she does not want the building to deteriorate any further. The Chair felt that questions regarding the project were financial and would be discussed in the Finance Committee meeting. Therefore, she moved approval of the item to send it to the Finance Committee. The motion carried with a vote of one in favor and three abstentions.

#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 4-0 (Salvucci and Gentile not voting)**

NOTE: The item was held without discussion.

All other items were held without discussion.

Respectfully submitted,

Sydra Schnipper, Chairman

#342-08

Public Facilities

Wednesday, October 22, 2008

Traffic Safety & Calming Projects "How to get from Concept to Construction"

296-08
PS&T Sept 2008

Traffic Calming "Reality Check"

- Traffic Council items via resident signatures help generate thoughts and consensus "up front"
 - (Alderman-sponsored petitions do not always do so)
- Most streets do not qualify for Traffic Calming
- Funding is limited
- Traffic Council looks for symptoms objectively
 - Real vs. perceived (e.g., vehicle speeds, volumes)
 - Pedestrian activity
 - Safety and enforcement conditions (Police)
 - Impacts to emergency vehicle response
 - Resident concerns and insight

Traffic Calming Criteria/Scoring

1. Volume:
 - 1,000-3,000 cars/day= 1 point
 - 3,000-8,000 cars day= 2 point
2. Speed:
 - 85% of cars > 6 mph over limit= 1 point
 - 85% of cars > 8 mph over limit= 2 points
3. Police
 - 0 to 2 points based on judgment
4. Fire
 - 0 to (-5) based on judgment
5. School
 - More than 1,500 feet from school= 1 point
 - Less than 1,500 feet from school= 2 points
 - Within school zone= 3 points
6. Other pedestrians (not children)
 - 45 pedestrians in highest hour= 1 point
 - 90 pedestrians in highest hour= 2 points

Finding the Cash

- Via City Funds
 - Within City Budget
 - Chapter 90 (e.g., part of road paving project)
- Via Mayor/Special appropriation
 - Parking meter receipts
 - Budget reserve, free cash, etc.
- Via Other Funding Sources
 - CDBG areas (does not go thru BOA, Mayor)
 - Development mitigation funds via Special Permit (e.g., Riverside Center, Hess, Brimmer-May)
 - City (B-M) vs. Developer (Hess) constructed*

Who are the project "cooks?"

- Public Facilities Committee
 - Generally need design plans + cost estimate
 - Criteria for BOA review: City Ordinance Section 26-51
 - * "change traffic flow, add/delete turn lanes"
 - * Privately funded with estimated cost > \$100,000
 - In general, nearly all "traffic calming" projects go to PF
- Mayor
 - Must initiate appropriation request, identify funding source (if needed)
- Finance Committee
 - Appropriate \$ for a project
- Others
 - CDBG, Neighborhood Associations, etc.

The "Process"

- 1) Agenda item filed in Traffic Council
 - Describe the problem
 - Be location specific (for notification)
 - Suggest a solution (optional)
- 2) Traffic Council holds public hearing
 - Recommendation from Engineering Dept
 - No general consideration of project cost
 - Vote to approve a capital project (concept plan only)
- 3) Alderman "champion" = "I want this project done"
 - Request design + cost estimate via Engineering Division
 - Identify funding alternatives (now or later?)

The "Process"

- 4) Item is ready to be docketed by Alderman Champion
 - 1) Project Approval: Public Facilities and/or
 - 2) Funding: Finance (via Mayor)
- 5) DPW constructs with in-house crew or administers bid for contractor to build
 - or 3rd party design & construct like Hess
- 6) Project is completed, accepted and maintained by the City

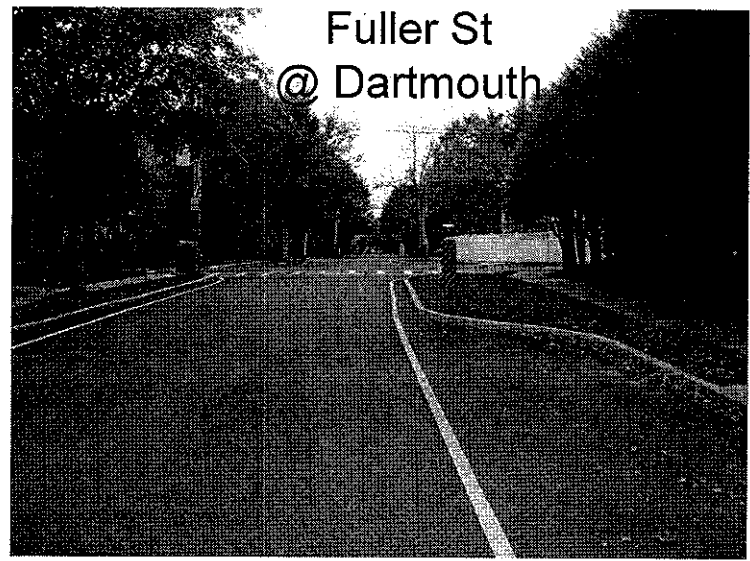
Summary

- Following Traffic Council approval, an Alderman must "champion" a project by
 - requesting a design + cost estimate;
 - identifying funding, and
 - building political support.
- Otherwise, traffic calming/safety projects are not likely to be constructed.

Examples

- 1) Out of the pipeline (2007, 2008 @ step 6)
 - Fuller Street curb extensions (3)
 - Middlesex Rd raised crosswalk
 - Woodland Rd raised intersections (2)
- 2) In the pipeline (2008, 2009 @ step 4 or 5)
 - Daniel/Jackson curb extension (under review)
 - Auburn/Evergreen raised crosswalk, curb extension (construction)
 - Pedestrian Warning Signals at 5 locations (funding just released)
- 3) Looking for the pipeline (2009? @ step 3)
 - Albemarle Rd raised crosswalk @ footbridge
 - Grove St raised intersections (2), curb extension @ Hagar
 - Lowell/Watertown/Walnut curb extensions, Island
 - Mill St raised crosswalks (2)
 - Park/Vernon curb extension
 - Church/Richardson curb extension

Fuller St @ Dartmouth



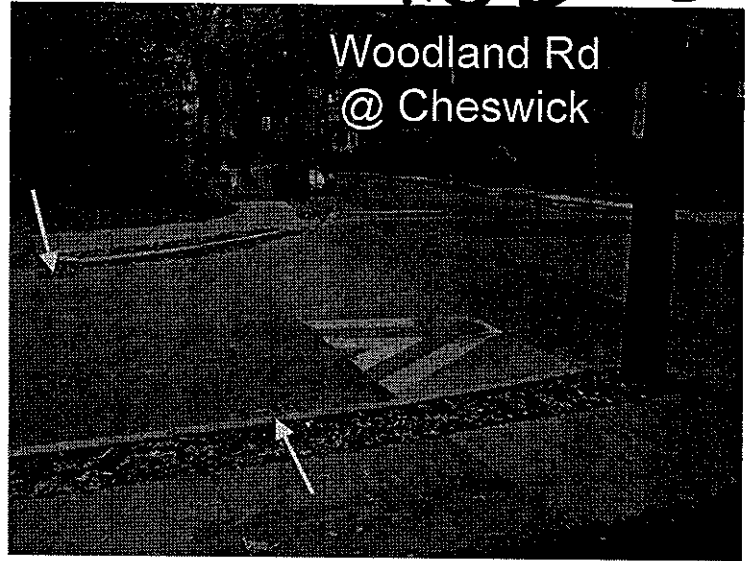
Fuller St @ Temple



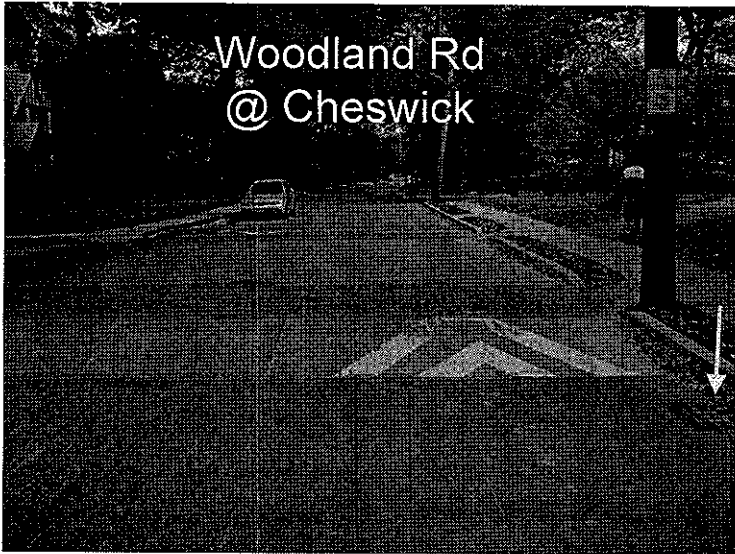
#342-08



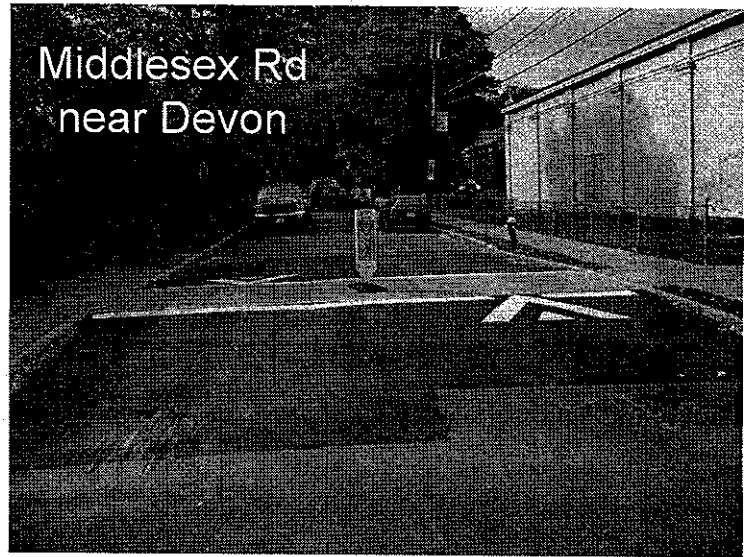
Woodland Rd
@ Lake



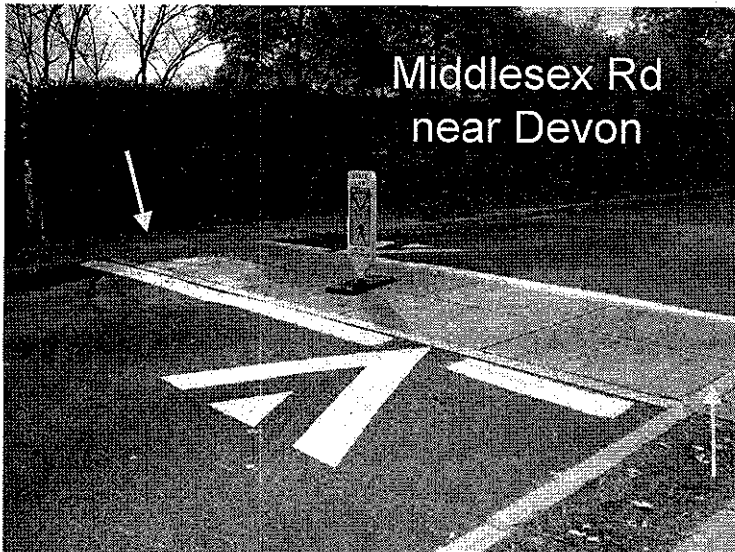
Woodland Rd
@ Cheswick



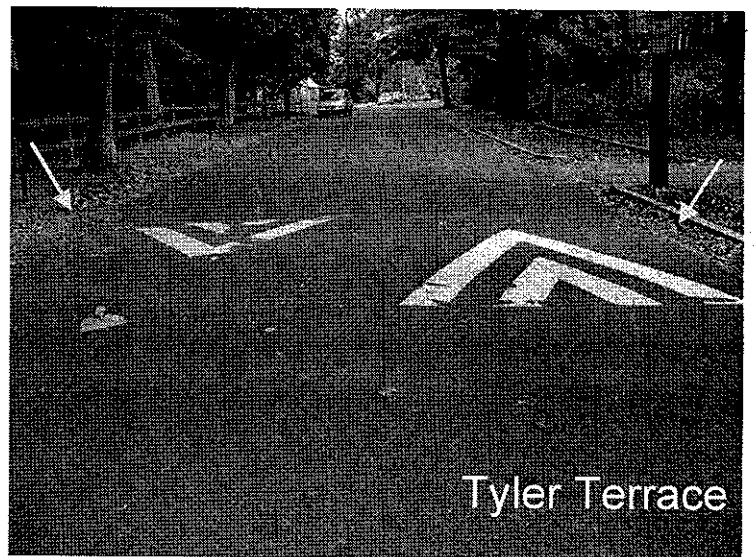
Woodland Rd
@ Cheswick



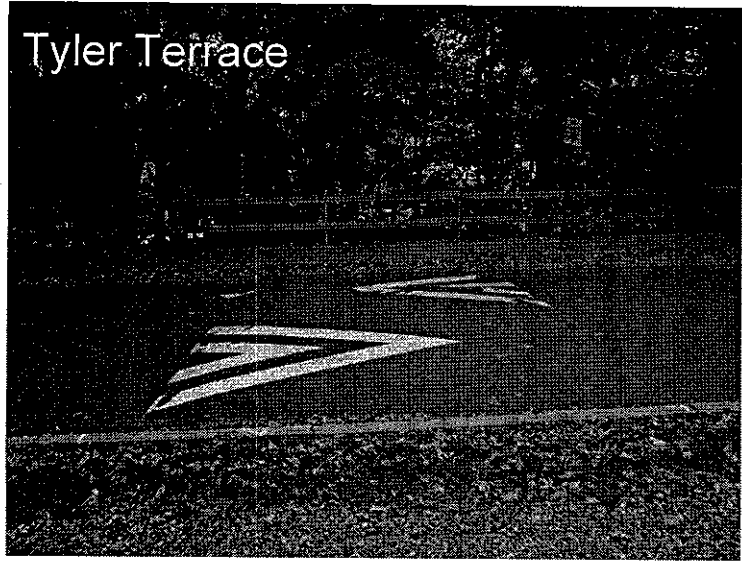
Middlesex Rd
near Devon



Middlesex Rd
near Devon



Tyler Terrace



Recent Traffic Calming Construction Costs

- Fuller St 2007: curb extensions
 - 3 @ \$20k each (City \$ via resurfacing)
- Tyler Terrace 2007: speed humps
 - 4 @ \$7.5k each (City \$ via resurfacing)
- Woodland Rd 2007: raised intersections
 - 2 @ \$60k each (City \$)
- Middlesex Rd 2008: raised crosswalk
 - 1 @ \$30k each (Brimmer & May \$)
- Auburn Street 2008? raised crosswalk
 - 1 @ ? each (Hess \$)

Grove Street

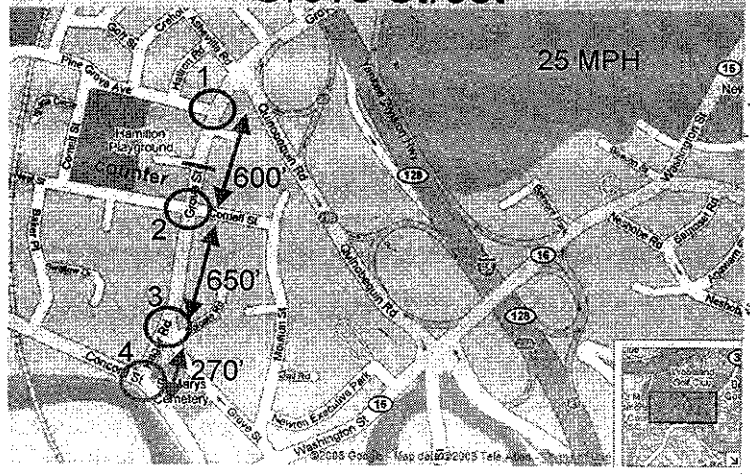
Docket # 342-08

Request for speed tables at Cornell Street and Pine Grove Avenue

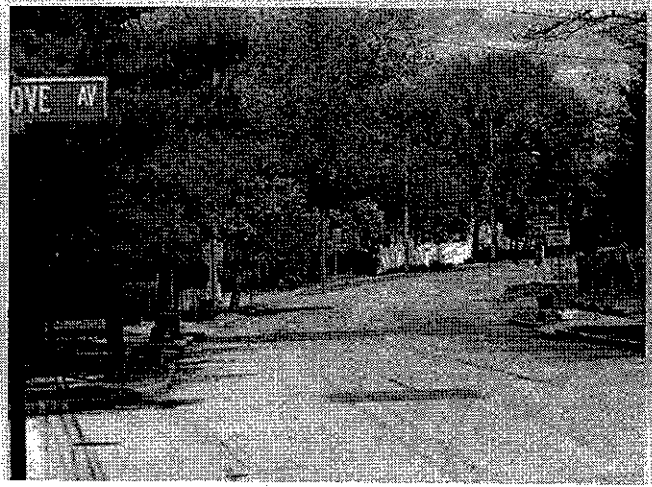
Docket Item History

- 21-05(2): Request for radar signs (your speed is)
 - PS&T agenda
- 21-05(3): Grove @ I-95
 - Restriping with permission of MassHighway done
- 21-05(4) Grove @ Hagar traffic calming
 - 3/21/07: PF recommended trial without stop signs
- 21-05(5): Concord @ Hagar traffic calming
 - PF recommended redesign with traffic islands
- 210-07: Grove @ Hagar request for stop signs
 - 6/28/07: Traffic Council denied 4-0. Board overturns

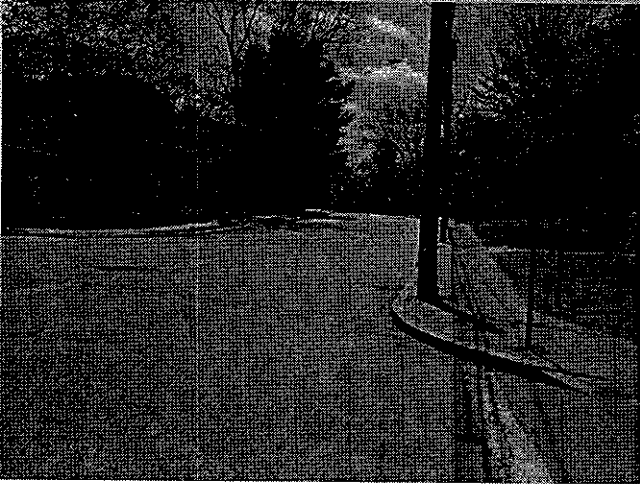
Grove Street



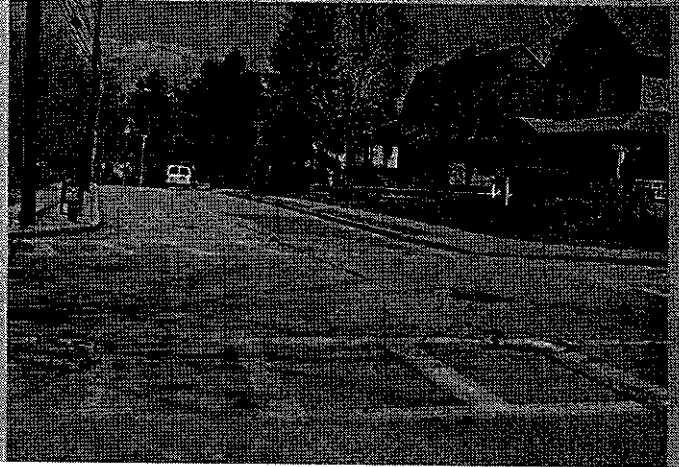
1. Grove St at Pine Grove Ave



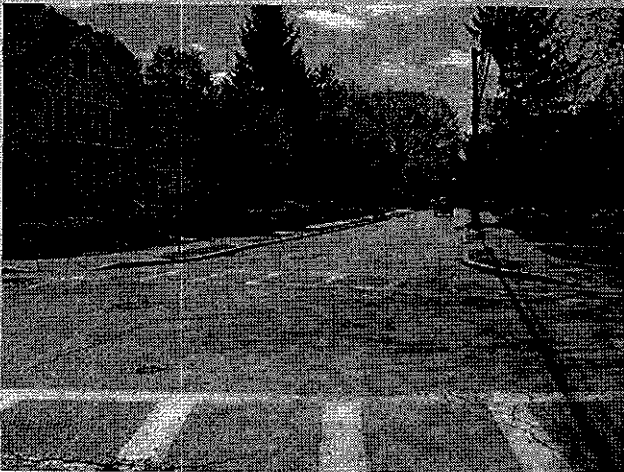
1. Grove St at Pine Grove Ave



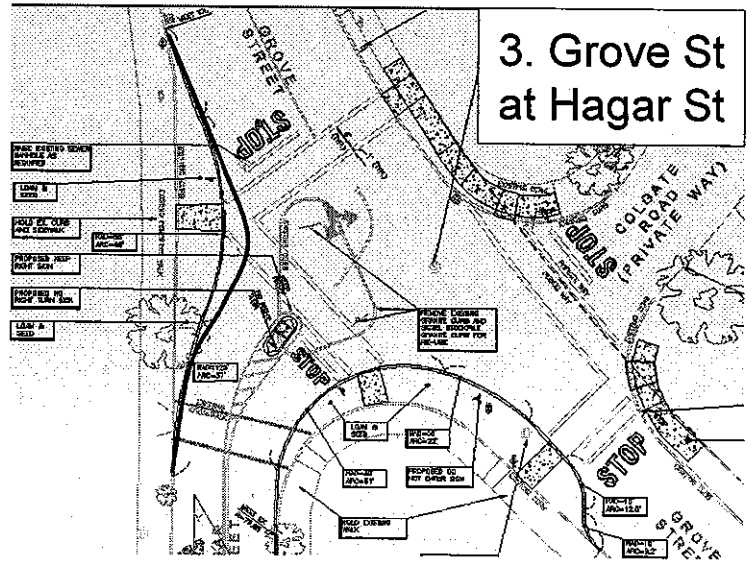
2. Grove St NB at Cornell St



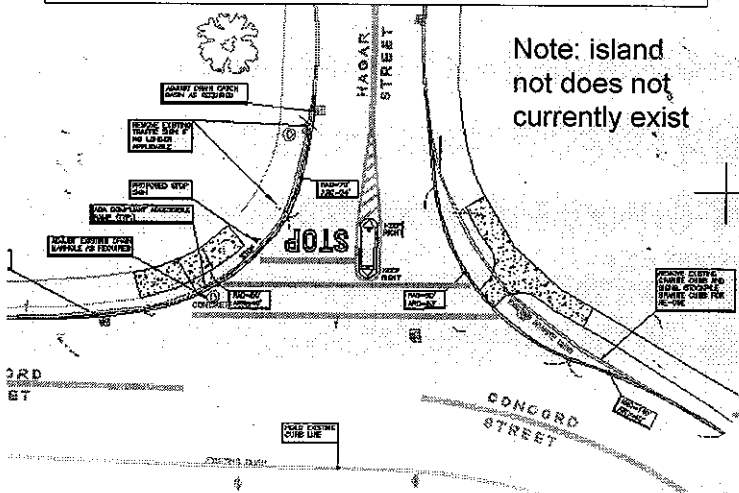
2. Grove St SB at Cornell St



3. Grove St at Hagar St



4. Grove St SB at Cornell St



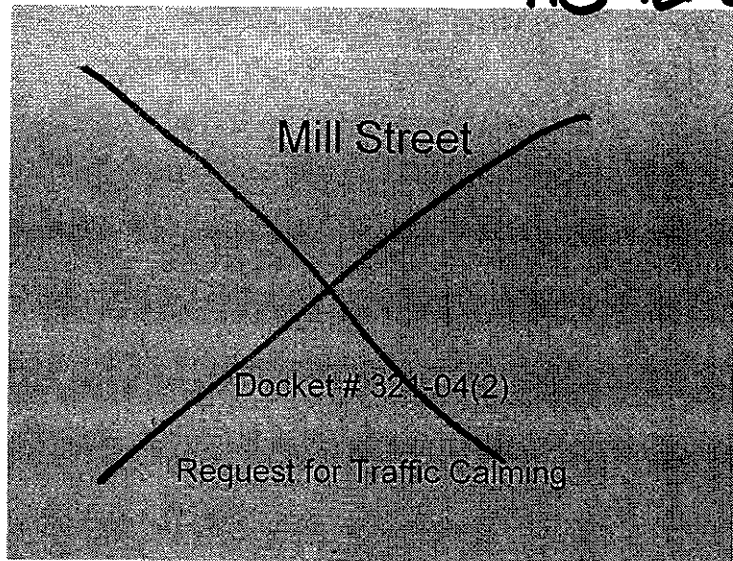
Grove St Traffic Calming Score

Area (SCORE)	OBSERVED	MAX
• Volume (2)	4,400/day	(2)
• Speed (2)	10 mph over limit	(2)
• Police (0?)	crashes, tickets	(2)
• Fire (0)	response times	(-5)
• School (0)	near a school	(3)
• Other peds (0)	<10/hour max.	(2)

TOTAL: 4 points (11 max)

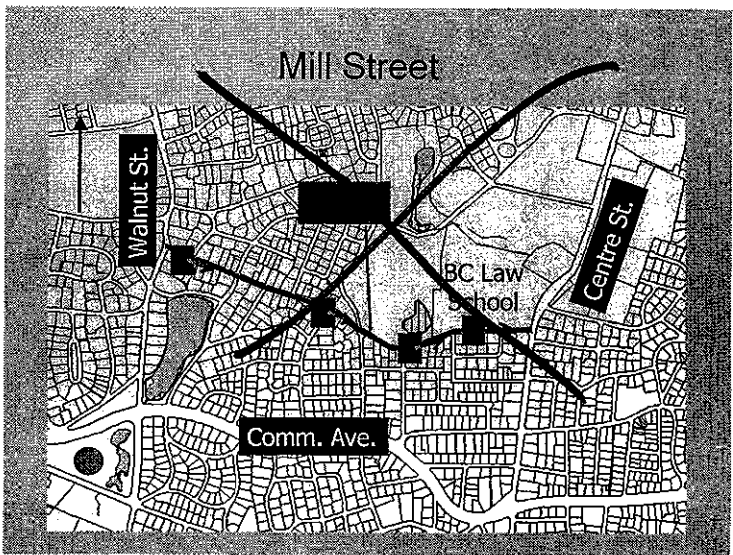
Grove Street repaving

- Concord & Hagar
 - Water line rehab & paving 2008
- Grove St
 - Water line rehab & paving 2009
- Should render final decision in next 6 months so any changes can coincide with repaving



Docket Item History

- 347-00: Request for stop signs
 - Denied
- 347-00(2): Request for traffic calming
 - 6/23/04: Held for Traffic Council review of 321-04
- 321-04: Various requests
 - 10/19/04: Traffic Council recommends (4-0-1) raised crosswalks, denies stop signs, speed limit change, truck exclusion (BOA approves 11/1/04)
- 321-04(2): Request for traffic calming
 - 12/28/04: P&T referral to Public Facilities (5-0)



1. Mill St. Facing East From Walnut St



2. Mill St. Facing East at Cedar St



#TC24-08 BRUCE BARON, 361 Albemarle Road, requesting traffic calming measures on ALBEMARLE ROAD between Watertown Street and Crafts Street (Ward 3). [01-09-08 @ 10:04 a.m.]

ACTION: **APPROVED 4-0 (Danberg not voting)**

NOTE: Mr. Baron presented this petition and noted that cars travel at excessive speed and there is a safety issue.

Mr. Schuckel reported that the volume of traffic is high but that speeding was not measured to be unusually high. Since reconstruction is planned in this area, Mr. Schuckel felt that the timing and type of reconstruction needs to move forward and be considered in combination with this request for traffic calming..

Chairman Koses explained there is no funding set aside for raised crosswalks. Ald. Sangiolo questioned whether traffic mitigation funds might be used.

Jerome Grafe asked whether the raised crosswalks would be located on both sides of the bridge, and Clint Schuckel responded that they would. Clint Schuckel also recommended the live parking be rescinded and that school zone signs be posted.

Mr. Schuckel stated that at this point there is no funding available, so the Traffic Council can only make suggestions regarding raised crosswalks.

The action taken, approved 3-1 (Norcross opposed, Danberg not voting), is to **recommend** a set of raised crosswalks on Albemarle Road northbound and on Albemarle Road southbound at the location of the pedestrian bridge or at another suitable location should the pedestrian bridge be relocated. The Council also voted 4-0 to approve the rescission of the duplicative "Live Parking" ordinance on Albemarle Road northbound near Watertown Street.

* #TC26-08

ALD. SANGIOLO, HARNEY AND GENTILE requesting installation of speed tables at GROVE STREET at CORNELL STREET and at PINE GROVE AVENUE in Newton Lower Falls (Ward 4). [01-22-08 @ 11:05 PM]

ACTION: **APPROVED 2-1-1 (Koses opposed, Schuckel abstaining, Danberg not voting)**

NOTE: Ald. Sangiolo said that she would like the council to look into a raised crosswalk at the intersections of Grove Street and Cornell Street and at the intersection of Grove Street at Pine Grove Avenue, since traffic tends to speed over the hill in this area. She also mentioned that senior housing and the community center that serves as an after school program are located in this area.

Clint Schuckel said that a speed and volume count was done at this location. The intersections are about 600 ft. apart, and it is about 700 ft. from Cornell to the

#342-08

intersection of Hagar and Colgate, where another traffic calming trial is occurring. Traffic volumes showed 4,400 cars a day. There were more vehicles traveling in the northbound direction than southbound. Observations showed 85% of cars traveling about 35 mph or less. There have been five accidents over the last five years – with most having to do with the 128 ramps. Observations were made between 7 and 8 in the morning when school buses are loading. The number of pedestrians observed crossing Grove Street during this time was quite small.

Sgt. Norcross was in support of raised crosswalks in this area due to the speed of vehicles.

Clint Schuckel noted this does not meet the criteria of pedestrian activity, and that he would like to see at least three of the traffic calming criteria score over zero to support a traffic calming request. In this case, two criteria score over zero, and this may or may not be considered a school area.

Ald. Sangiolo noted that there is a daycare center in this area, which should count as a school, and should therefore receive some points for the school-based criteria.

David Koses was not ready to support a raised crosswalk at this location due to potential safety concerns as this location is near a curve (potentially poor site lines for vehicles), as well as the low a pedestrian volume and likely safety concerns of the Fire Department.

The action taken by Traffic Council is to recommend a 3" raised crosswalk at the intersection of Grove Street at Cornell Street and a 3" raised crosswalk at the intersection of Grove Street at Pine Grove Avenue. The Council vote was 2-1-1 (Koses opposed, Schuckel abstaining, Danberg not voting)

#TC28-08 ALD HARNEY on behalf of former Ald. John Stewart requesting discussion of possible parking restrictions on PIERREPONT ROAD at the intersection of GROVE STREET in Newton Lower Falls (Ward 4). [01-24-08 @ 9:08 AM]

ACTION: NAN 5-0

NOTE: There was no one present from the neighborhood. Ald. Harney said that several cars have been reported parking at the end of Pierrepont near Grove making it hard for cars to get out.

The Council decided that the least restrictive thing to do would be to post some no parking signs (no parking here to corner), which could be done administratively, and voted no action necessary on the item.

#TC35-08 TRAFFIC ENGINEER requesting that signal controls for the Commonwealth Avenue carriageway intersections with Chestnut Street and Auburn Street be converted to stop controls (Wards 3, 4).

#343-08

indicating general liability coverage of \$100,000 per person and \$300,000 per claim or evidence of self-insurance in an equal amount (pursuant to MGL c. 82A, §2); and the required fee, where applicable. The regulations at 520 CMR 14.03(4) require the excavator to provide the following information on the permit application:

- the Dig Safe number;
- Name & contact information for the permit holder (the person filing for the permit);
- Name and contact information of the excavator (the company performing the excavation);
- Name of the competent person;
- Name of the person(s) performing the excavation of the trench;
- Massachusetts hoisting license number for each person operating hoisting machinery during the excavation;
- Permit expiration date (where applicable);
- Specific location of the trench;
- Name and contact information of the insurer

The trench permit is similar to a street opening permit and the application for a trench permit may be included with that permit. Once issued, the permit must be posted in plain view at the trench worksite, such as in the window of a construction trailer.

[Back to Top](#)

Q. May permitting authorities charge fees for trench permits?

A. Yes. Municipal permitting authorities may charge a reasonable fee to cover the administrative costs of permitting the trench excavation. See MGL c. 82A, §2 and 520 CMR 14.03(6). This fee is at the discretion of the municipality to determine what is reasonable in light of its administrative needs.

[Back to Top](#)

Q. Can permitting authorities impose time restrictions on issuing permits, such as requiring applicants to apply for the permit at least three days prior the planned excavation?

A. There is no explicit prohibition in the regulations, and the permitting authority is allowed to impose stricter regulations.

[Back to Top](#)

Q. Are excavators expected to obtain a permit before responding to an emergency, such as a water main break?

A. NO. Permits are not required prior to creating a trench in response to an emergency. "Emergency" is defined in 520 CMR 14.02 as "an unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service." However, the excavator should complete a permit application with the permitting authority by the next business day, at the latest.

[Back to Top](#)

Q. I own a large construction company that frequently performs large jobs and may use multiple sub-contractors. I don't always know who the individual operating the excavation equipment or competent person will be at any one time on a complex project that may take several weeks or more, so how am I supposed to complete the permit application?

A. The Department of Public Safety and Division of Occupational Safety anticipate that the scope may vary from project to project. Accordingly, the permitting authority should realize that the specific competent person and person performing the excavation may change on complex projects. Therefore, information may be updated as necessary during the course of the project, provided however, that by pulling the permit, the permit holder impliedly agrees to act reasonably to ensure that up-to-date information is provided to the permitting authority.

City of Newton



David B. Cohen
Mayor

PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone (617) 796-1600

FAX (617) 796-1601

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

#355-08

October 24, 2008

Alderman Sydra Schnipper
Chairman, Public Facilities Committee
Alderman Paul E. Coletti, Chairman
Finance Committee, and
The Honorable Board of Aldermen
1000 Commonwealth Avenue
Newton Centre, MA 02459

08 OCT 24 PM 3:50
CITY CLERK
NEWTON, MA 02159

Dear Chairmen and Honorable Board of Aldermen

The Public Buildings Department is writing to clarify the type of burner that is scheduled to be installed as part of the conversion of twelve buildings from firing oil only to having the capability of firing either oil or natural gas. One of the existing oil burners shall be replaced with a dual product, oil and natural gas burner. Attached is the section of the specification that identifies the type of burner to be installed.

Please feel free to call, should you have any questions regarding this request.

Sincerely,

A. Nicholas Parnell, AIA
Commissioner of Public Buildings

ANP:dla

Enclosure

CC: Mike Cronin, Chief of Operations
Sandy Pooler, Chief Administrative Officer
Susan Burstein, Chief Budget Officer
Josh Morse, HVAC Technologist
David Tannozzini, Energy Engineer

#135-08

2.04 BURNER UNIT

A. General Description

- 1. Furnish and install as herein specified, shown or scheduled on the Contract Drawings, (1) new burner unit for heating service and arranged for operation firing gas/oil.

B. Combustion System

- 1. Each unit shall include a forced draft flame retention type burner having a ring of recessed gas ports with an orifice for each port, primary air adjustment and externally mounted gas pilot and a high pressure atomizing oil burner tested by Underwriters Laboratories and complying with the rules and regulations U.L., as well as the local authorities having jurisdiction. The burner shall be capable of firing boilers as scheduled with #2 oil and natural gas against a furnace pressure of 0.02 inches of water column, with supply gas pressure of 3.5 inches w.c. at the inlet to the main manual shutoff cock.
- 2. The gas train shall be U.L. listed and shall consist of the following items: All Massachusetts gas and oil codes are applicable.
 - Main Motorized Gas Valves
 - High and Low Gas Pressure Switches
 - Auxiliary Solenoid Gas Valve
 - Lubricated Shutoff Cock
 - Maxitrol Gas Pressure Regulator
- 3. The burner shall be driven by an as scheduled alternating current motor. Control circuit voltage shall be supplied from this single point connection.
- 4. The burner shall be arranged for Modulation firing of both fuels. The burner shall provide for an open damper pre-purge through a damper motor.
- 5. The burner shall include the appropriate oil piping and pumping to supply the nozzle arrangement, dual automatic safety shutoff valves, return oil pressure control, air flow switch and combustion air damper control.
- 6. Oil pressure shall be obtained from a 300 PSI fuel unit driven by the burner motor. The fuel unit shall have two-stage pumping gears, self-contained pressure regulating valve and shall be suitable for 3450-RPM service with suction vacuum up to 15".
- 7. Burner shall be equipped with an electronic flame safeguard system and scanner. The control shall be a Honeywell RM7800L UV Flame System microprocessor-based, burner management control system with self-diagnostics and non-volatile memory.
- 8. Control Panel:
 - The burner mounted control panel shall include the following:
 - Indicator lights: Power-On, Main Fuel, Call for Heat, Ignition, Main Flame Failure (Alarm), Low Water (Alarm). Alarm Bell to sound on Main Flame Failure. Low Water Alarm Reset System shall be provided to silence the Bell but the light will remain lit until the fault has been corrected. A manual pot and switch shall be included to allow the burner to be adjusted to intermediate firing positions, as job conditions require.
- 9. 12,000 Volt Direct Spark Ignition Transformer for the oil side.

08 OCT 24 PM 3:50
CITY CLERK
NEWTON, MA 02159

C. Warranty Burner Service

CONSERVATION RESTRICTION AND EASEMENT

Semyon Dukach, of 230 Lake Avenue, Newton, Middlesex County, Massachusetts, being the sole owner, for my successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants with quitclaim covenants to the City of Newton, acting by and through its Conservation Commission, by authority of Chapter 40, Section 8C, and its permitted successors and assigns ("Grantee") for \$1.00, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction and Easement on a parcel of land located in the City of Newton, Middlesex County, Massachusetts, constituting approximately 1723 square feet, more or less ("Premises"), known as 230 Lake Avenue, described in a plan to be recorded herewith, a reduced copy attached hereto as Exhibit A "sketch plan". For Grantor's title see deed of Lorraine A. Sciegienny, Trustee of the Crystal Lake Nominee Trust dated June 19, 2008 and recorded with the Middlesex County Registry of Deeds in Book 51395, Page 302..

I. PURPOSES:

This Conservation Restriction and Easement is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction and Easement is to assure that the Premises will be maintained in its current condition in perpetuity and for conservation purposes, predominantly in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values. The Premises were acquired with Community Preservation Act funds, and this Conservation Restriction is granted in accordance with the requirements of G.L. c. 44B, §12.

These values include the following:

1. The expansion of public access for walking, education, and nature study along the banks and shoreline of Crystal Lake.
2. The connection of two parcels of Grantee, which lie on either side of the Premises, which will enable the public to walk along the shoreline of Crystal Lake and to pass and repass from one Grantee-owned property to the other.
3. The protection of the Premises contributes to the protection of the scenic landscape and natural character of Crystal Lake, a great pond, and the protection of the Premises will enhance the open-space value of these lands.
4. The protection of the banks and shoreline of Crystal Lake, and the long-term protection of water quality.
5. The preservation of habitat and vegetational cover for near shore aquatic

species as well as upland resting and foraging habitat for amphibious and non-aquatic species.

6. The prevention of any disposition or diversion of the Premises to public or private non-conservation purposes; and

7. The enhancement of the protections afforded the Premises by Article 97 of the amendments to the constitution of the Commonwealth of Massachusetts, by establishing a conservation restriction enforceable in perpetuity by the Grantee under sections 31-33 of chapter 184 of the General Laws.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. *Prohibited Acts and Uses.*

Subject to the exceptions set forth herein, the Grantor will not perform or permit the following acts or uses which are prohibited on, above, and below the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis or other gaming court, landing strip, mobile home, swimming pool, road, asphalt or concrete pavement [except as reasonably necessary in connection with providing access to the Premises for persons with disabilities and in connection with the activities permitted under paragraph B.2.], sign, billboard or other advertising display, antenna, light or utility pole, tower, conduit, line, satellite dish or other temporary or permanent structure or facility on, above or under the Premises.
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area, except in connection with the activities permitted under paragraph B.2.
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, or other substance or material whatsoever or the installation of underground storage tanks.
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation except as approved by the Conservation Commission [or as reasonably necessary in connection with activities permitted under paragraph B].
5. Activities detrimental to drainage, flood control, wildlife habitat, water conservation, water quality, erosion control, soil conservation, archaeological conservation, or scenic views.
6. Use by, parking or storage of vehicles including motorcycles, mopeds, all-

terrain vehicles, off-road vehicles, scooters, snowmobiles or any other motorized vehicle on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties; provided, however, that individual transportation aids necessary for the mobility of persons with disabilities shall be permitted.

7. Subdivision; conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel. In no way shall this paragraph restrict Grantor from developing his land or buildings thereon which are not on or a part of the Premises.
8. Any other use of the Premises or activity thereon which is inconsistent with the purposes of this conservation restriction or which would materially impair its conservation or public passive recreation interests.

B. Reserved Rights and Exceptions.

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction.

1. Use of the Premises by the public for passing and repassing on foot, or with the assistance of the non-motorized conveyances specifically listed in Paragraph A.6 above, during daylight hours only, to and from Grantee's property at Livingston Cove to the east of the Premises to Grantee's property at 20 Rogers Street to the west of the Premises.
2. The marking, clearing, and maintenance by the Grantee of an approximately 5 foot wide footpath, together with informational signs, preferably constructed of natural materials.
3. Use of the Premises by the general public for the purposes of walking, or nature study, all in accordance with rules and regulations established by the City of Newton Conservation Commission.
4. Use of the conservation area to conduct any non-prohibited activity which is consistent with accepted conservation land and water management practices, including, but not limited to, the selective *de minimis* pruning and cutting of trees, brush, invasive or nuisance species to prevent, control or remove hazards, disease, insect damage or fire, or to preserve or improve the condition of the conservation area, including woods, trails; provided that no activity set forth in this paragraph B.4. shall be allowed unless it is done in accordance with a plan provided to Grantor in advance and approved in writing in advance by the Grantee, said plan being intended to protect the conservation and

passive recreation values of the conservation area, including without limitation, water quality, scenic and wildlife habitat values.

5. Management of the conservation area for the benefit of wildlife (including without limitation the planting and cultivation of wildlife cover and food crops), and cutting, mowing, pruning, burning, and removal of vegetation to enhance and promote varied types of wildlife habitat consistent with sound wildlife and forestry management practices.
6. Replacement of dead vegetation with noninvasive native species for the purpose of maintaining the physical and visual buffer in perpetuity with prior notice to Grantor and prior approval of the Grantee; and removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.
7. The erection, maintenance, and replacement of signs with respect to trespass, trail access, the Grantee's interest in the Premises, and the protected conservation values.
8. Such other non-prohibited activities requested by the Grantor and expressly approved in writing by the Grantee, in its sole and exclusive discretion, which permission may only be given if the Grantee expressly finds that the activity is consistent with, and does not materially impair, the purposes or conservation values of the Premises.

The exercise of any right reserved by Grantor under this paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

- C. *Notice and Approval.* Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this conservation restriction. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within 60 days of receipt of Grantor's written request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval

after 60 days in the notice.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this conservation restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction. Notwithstanding the foregoing, for any dispute or claim arising out of or relating to the terms of the conservation restriction which cannot be resolved in good faith directly between the Grantor and Grantee, no action shall be filed or prosecuted in any court until the claim or dispute has first been submitted to a mediator, mutually selected by the parties hereto, for at least five hours of mediation. All parties shall share the cost and fees associated with the mediation services equally unless otherwise agreed. The mediator's determinations shall not be binding upon any party. If the mediation is not concluded within thirty days from the time that a dispute is presented to the grantor or grantees, then the party raising the dispute may file an action despite the failure to complete the mediation.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability of obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantees to bring any action against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including, but not limited to fire, flood, storm and earth movement, acts of war whether declared or undeclared, acts of criminals or enemies of the United States, or actions taken in response thereto, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the conservation area resulting from such causes.

IV. ACCESS

In addition to access rights granted to the public generally under Section B.2., the Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation thereof.

V. EXTINGUISHMENT

A. If circumstances arise in the future which render the purposes of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. Grantee agrees to use the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the conveyance of this Conservation Restriction and Easement gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction and Easement, determined at the time of the conveyance, bears to the value of the unrestricted property at that time. Such proportionate value of the Grantee's property right shall remain constant.

C. Grantor/Grantee Cooperation Regarding Public Action.

Whenever all or any part of the Conservation Area or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then

the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value. Grantor and Grantee shall use all proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agrees itself to execute any such instruments upon request.

C. Running of the Benefit.

The benefits of this Conservation Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which Grantor divests himself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do so shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after his ownership ceases.

Liability for any acts or omissions occurring prior to any transfer for which Grantor received proper notice from Grantee and did not remedy and liability for any transfer if in violation of this Conservation Restriction, shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, Grantee shall within twenty (20) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction

IX. NON-MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to ensure that merger does not occur.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. Amendments will only be considered to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs, and, if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South District Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Middlesex South Registry of Deeds. This Conservation Restriction shall be recorded in a timely manner.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: 230 Lake Avenue
Newton, MA 02461

To Grantee: City of Newton Conservation Commission
1000 Commonwealth Avenue
Newton, MA 02459

Or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law.

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are

merged herein.

XIV. MISCELLANEOUS

A. Pre-Existing Public Rights

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Documentary Stamps

No documentary stamps are required as the City of Newton is a party to this instrument.

Executed under seal pursuant to M.G.L. Chapter 184, Section 32 this 14th day of August, 2008.

Semyon Dukach

Commonwealth of Massachusetts

Middlesex County, ss

August 14, 2008

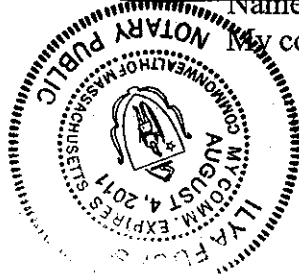
On this 14 day of August 2008, before me, the undersigned notary public, personally appeared Semyon Dukach, proved to me through satisfactory evidence of identification, which was/were [type of evidence] MA DL to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

[NOTARY SEAL]

Notary Public

Name (Print).

My commission expires:



ACCEPTANCE OF GRANT

The above Conservation Restriction and Easement is accepted this 15th day of July, 2008.

CITY OF NEWTON

Approved pursuant to G.L.c. 40, sec. 8C:

Ira Wallach

Ira Wallach, Chairman
Newton Conservation Commission

Approved:

David B. Cohen

David B. Cohen, Mayor

Approved as to form:

[Signature]
Assistant City Solicitor

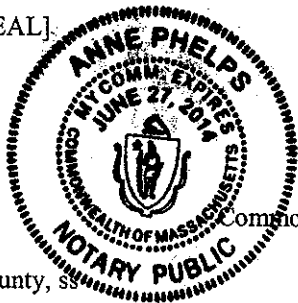
Commonwealth of Massachusetts

Middlesex County, ss

July 15, 2008

On this 15th day of July 2008, before me, the undersigned notary public, personally appeared Ira Wallach, as Chairman of the Newton Conservation Commission, proved to me through satisfactory evidence of identification, which was/were [type of evidence] personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

[NOTARY SEAL]



Anne Phelps

Notary Public
Name (Print):
My commission expires:

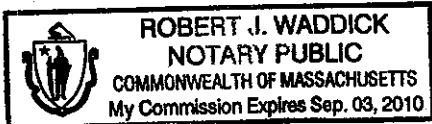
Commonwealth of Massachusetts

Middlesex County, ss

July 15 2008

On this 15th day of July 2008, before me, the undersigned notary public, personally appeared David B. Cohen, Mayor, acting for the City of Newton, proved to me through satisfactory evidence of identification, which was/were [type of evidence] personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

[NOTARY SEAL]



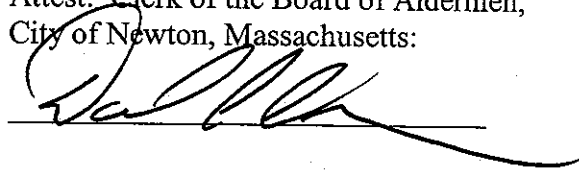
Robert J. Waddick

Notary Public
Name (Print):
My commission expires: 9/03/2010

**APPROVAL AND ACCEPTANCE BY BOARD OF ALDERMEN
CITY OF NEWTON (GRANTOR)**

I, the undersigned Clerk of the Board of Aldermen of the City of Newton, Massachusetts, hereby attest and certify that at a meeting duly held on April 7, 2008 the Board of Aldermen voted to approve and accept the foregoing Conservation Restriction and Easement pursuant to M. G. L. Chapter 40, Section 8C.

Attest: Clerk of the Board of Aldermen,
City of Newton, Massachusetts:



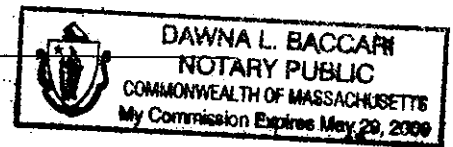
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 31, 2008

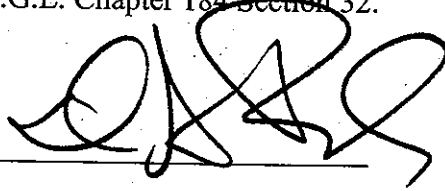
On this 25th day of July, 2008, before me, the undersigned Clerk of the Board of Aldermen, City of Newton, proved to me through satisfactory evidence of identification, which was/were [type of evidence] MA License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, in such capacity, for its stated purpose.

Dawna L. Baccari
NOTARY PUBLIC
My Commission Expires:



**APPROVAL BY
SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Newton Conservators, Incorporated has been approved in the public interest pursuant to M.G.L. Chapter 184 Section 32.



Ian A. Bowles
Secretary of Energy and Environmental Affairs

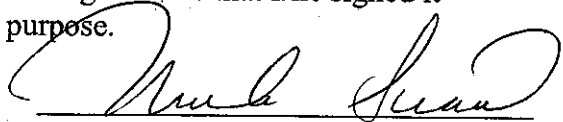
Commonwealth of Massachusetts

Sullivan
Middlesex County, ss

Sept 15, 2008

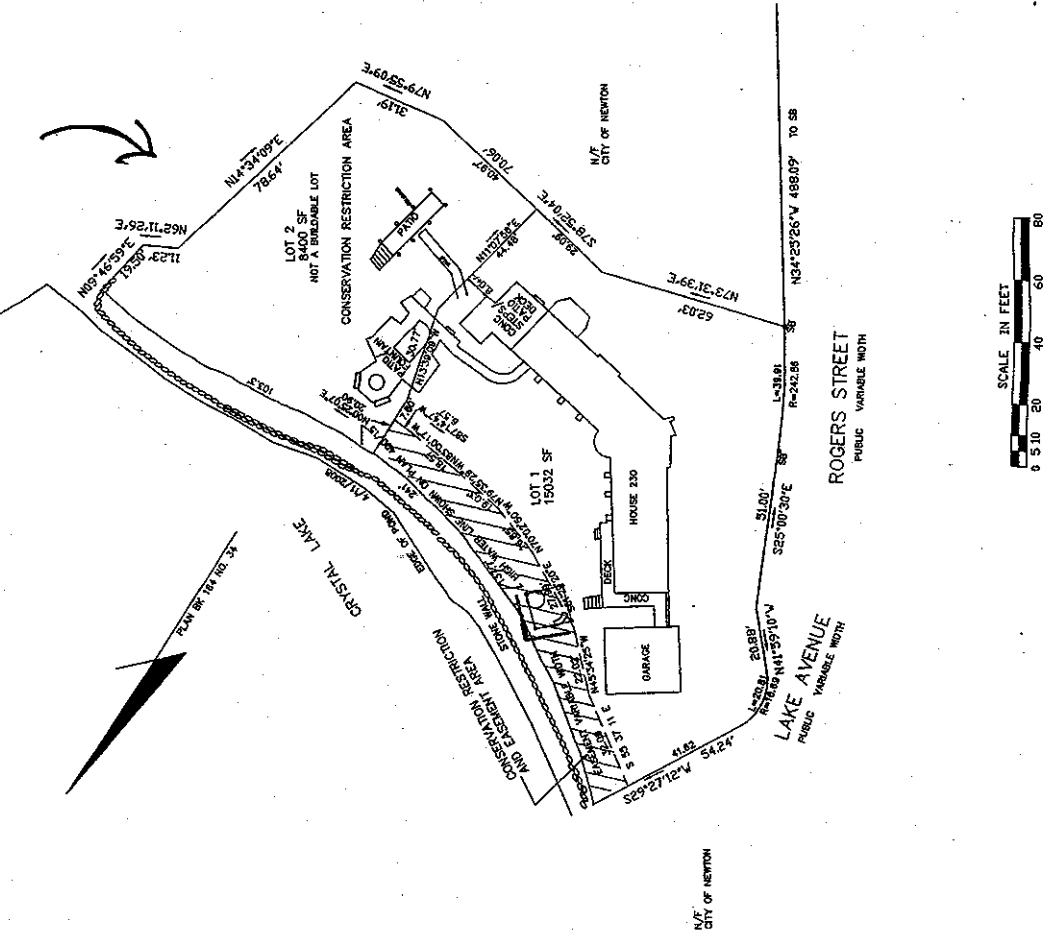
On this 15th day of Sept, 2008, before me, the undersigned notary public, personally appeared Ian A. Bowles, the Secretary of Energy and Environmental Affairs, acting for Executive Office of Environmental Affairs, proved to me through satisfactory evidence of identification, which was/were [type of evidence] *personal knowledge of notary* to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily, in such capacity, for its stated purpose.

[NOTARY SEAL]



Notary Public
Name (Print):
My commission expires: 12/15/2011

Exhibit A



- NOTES
1. DEED REFERENCE BOOK 51395 PAGE 302
 2. PLAN REFERENCE PLAN NO. 1328 OF 1950
 3. PLAN BOOK 400 PAGE 15
 4. PLAN BOOK 164 PAGE 34
 5. OWNER OF RECORD SEMYON DUKACH
 6. LOT 2 IS TO BE CONVEYED TO THE CITY OF NEWTON

#357-08

PLAN OF LAND SHOWING LOT DIVISION,
 CONSERVATION RESTRICTION AREA, AND
 CONSERVATION RESTRICTION AND EASEMENT
 230 LAKE AVENUE
 NEWTON MASSACHUSETTS
 AUGUST 28, 2008 SCALE 1"=20'
 CITY OF NEWTON D.P.W. ENGINEERING DIV
 1000 COMMONWEALTH AVENUE NEWTON MA
 LOUIS M. TAVERNA P.E. CITY ENGINEER

APPROVAL OF THIS PLAN UNDER
 THE SUBDIVISION CONTROL LAW
 IS NOT REQUIRED

DATE _____

ENDORSEMENT OF THIS PLAN IS
 NOT DETERMINATION AS TO
 CONFORMANCE WITH ZONING
 REGULATIONS

I CERTIFY THAT THIS PLAN HAS
 BEEN PREPARED IN ACCORDANCE
 WITH THE RULES AND REGULATIONS
 OF THE REGISTERS OF DEEDS OF THE
 COMMONWEALTH OF MASSACHUSETTS

DATE _____

Grove Street repaving

- Concord & Hagar
 - Water line rehab & paving 2008
- Grove St
 - Water line rehab & paving 2009
- Should render final decision in next 6 months so any changes can coincide with repaving

#321-04(2)

Mill Street

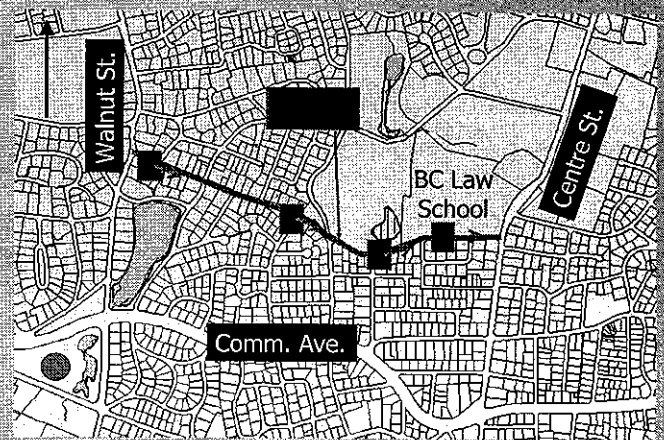
Docket # 321-04(2)

Request for Traffic Calming

Docket Item History

- 347-00: Request for stop signs
 - Denied
- 347-00(2): Request for traffic calming
 - 6/23/04: Held for Traffic Council review of 321-04
- 321-04: Various requests
 - 10/19/04: Traffic Council recommends (4-0-1) raised crosswalks, denies stop signs, speed limit change, truck exclusion (BOA approves 11/1/04)
- 321-04(2): Request for traffic calming
 - 12/28/04: PS&T referral to Public Facilities (5-0)

Mill Street



1. Mill St. Facing East From Walnut St.



2. Mill St. Facing East at Cedar St.



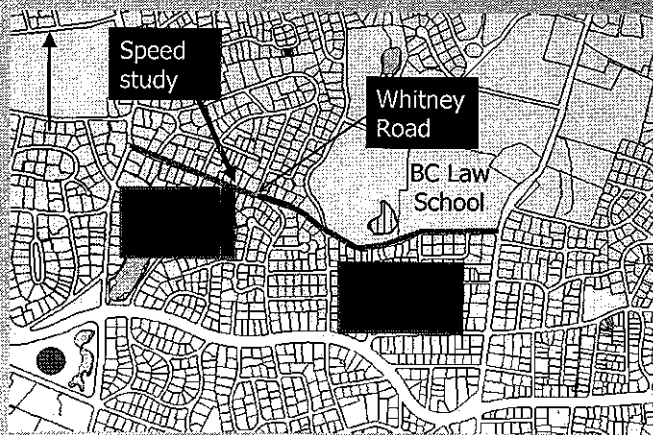
3. Mill St. Facing East at Morton St



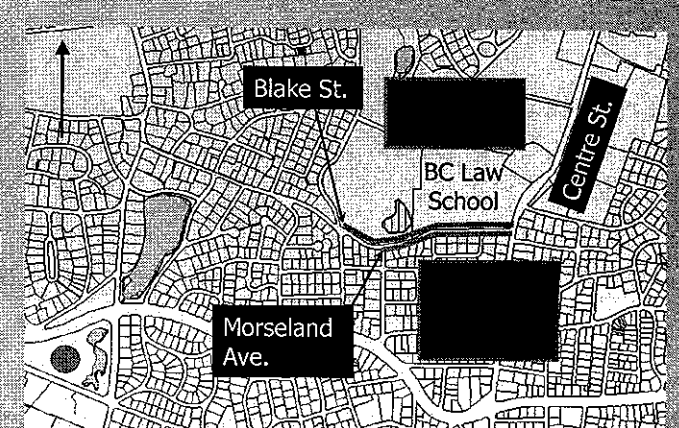
4. Mill St. Facing East to Centre St



Mill Street Parking Speed Limit (19-84)



Mill Street Parking Restrictions (19-176)



Mill St

Length: 3/4 mile long
 Width: 24' feet
 Section: 10' wide lanes
 2' edgeline

Volume: 2,200 cars per day

Citation History: 275 last 4 1/2 years (223 for speed)

Speed Study: 85% at or below 40 mph

Accident History- 6 reported since January 1, 2000

Trucks- < 2%

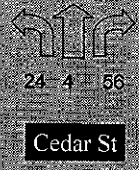
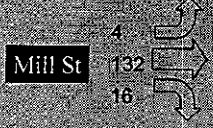
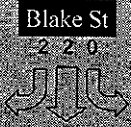
Mill St Traffic Calming Score

Area (SCORE)	OBSERVED	MAX
• Volume (1)	2,200/day	(1)
• Speed (2)	10 mph over limit	(2)
• Police (0?)	crashes, tickets	(2)
• Fire (0)	response times	(-5)
• School (0)	near a school	(3)
• Other peds (0)	<10/hour max.	(2)

TOTAL: 3 points (11 max)

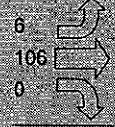
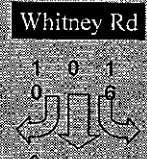
Mill & Cedar & Blake, Traffic Counts

10.13.2004
8:00AM-9:00AM



Mill & Morton & Whitney

10.19.2004
8:15AM-9:15AM



Mill St



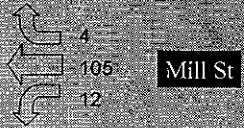
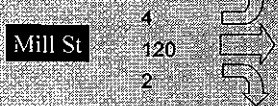
Morton St

Mill & Upland & Bullough

10.14.2004
8:00AM-9:00AM



< 10 Pedestrians



#265-08

Division 2 - Site Work and Demolition

Remove shutters, shutter holdbacks, storm windows for repainting	\$	2,000.00	
Scaffolding/Staging	\$	10,000.00	
Remove and Dispose of roof shingles and underlayment -30 sq	\$	4,500.00	
Division 2 - Sub Total:			\$ 16,500.00

Division 6 Wood and Plastic

Provide new custom bulkhead door	\$	2,000.00	
Replace 20' length of wood gutter	\$	1,500.00	
Roof eave repair	\$	5,000.00	
Provide new ridge vents	\$	3,500.00	
Wood repair	\$	4,000.00	
Division 6 - Sub Total:			\$ 16,000.00

Division 7 - Thermal and Moisture Protection

Provide new lead coated copper and copper flashings at chimneys	\$	8,000.00	
Provide new aluminum downspouts and accessories	\$	2,000.00	
Provide new asphalt roof shingles and underlayment-30 sq	\$	10,500.00	
Division 7 - Sub Total:			\$ 20,500.00

Division 8 - Doors and Windows Not Used

Division 9 - FINISHES

Treat existing and new gutters with preservative	\$	1,000.00	
Paint exterior including trim, decks, shutters, windows	\$	30,000.00	
Division 9 - Sub Total:			\$ 31,000.00

Division 10 - Specialties

Provide new shutterdogs at all windows	\$	7,500.00	
Division 10 - Sub Total:			\$ 7,500.00

Division 16 - Electrical - Not Used

Construction Budget Subtotal:	\$	91,500.00	
General Bonds and Insurance (2%):	\$	1,830.00	
General Conditions (10%):	\$	9,150.00	
Sub Total:	\$	102,480.00	
G.C. Overhead and Profit (15%):	\$	15,372.00	
Construction Contingency- 15%	\$	15,372.00	

SUB-TOTAL DESIGN DEVELOPMENT BUDGET: \$ 133,224.00

5% Contingency \$ 6,661.20

Total Revised Budget \$ 139,885.20