

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 20, 2005

Present: Ald. Salvucci (Acting Chairman), Albright, Stewart, Mansfield and Lappin

Absent: Ald. Gerst, Yates and Schnipper

Also present: Ald. Lipof

City personnel present: Lou Taverna (City Engineer), John Daghlian (Associate City Engineer), Gayle Smalley (Associate City Solicitor), Robert Rooney (Commissioner of Public Works), Sandy Pooler (Chief Budget Officer) and Shawna Sullivan (Committee Clerk)

**Public Hearing**

#121-05      KATHLEEN & JOSEPH GUZZI, 60 Stratford Road, petitioning for a common sewer to be constructed in STRATFORD ROAD from an existing sewer manhole located in front of 48 Stratford Road, extending 45' ± southerly to a proposed sewer manhole.

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

**NOTE:**      John Daghlian presented the item to the Committee. The homeowners at 52 and 60 Stratford Road have petitioned for a sewer main extension. Unfortunately, the sewer main cannot be extended to 52 and 60 Stratford Road, as the land is too low to provide enough gravity for flow. Therefore, the main will be extended 45' and the two homeowners will need to install forced house connections from the new sewer manhole.

Ald. Salvucci asked if there would be any assessment to the two homeowners of the property that the 45' of new sewer will pass. Mr. Daghlian responded that he spoke with Associate City Solicitor Smalley who indicated that as the two property owners have already paid a sewer use fee they would be exempt from the betterment. In addition, as the sewer main does not pass in front of 52 or 60 Stratford Road the petitioners will pay a sewer use fee. The estimated cost of the project is approximately \$11,000.

Ald. Salvucci opened the public hearing. Mr. Joseph Guzzi, 60 Stratford Road, spoke on the item. He owns 60 Stratford Road and is in favor of the project. Mr. Guzzi is pleased that the sewer main extension will allow the last two houses on the street to become part of the public sewer system. He asked Mr. Daghlian to review the costs that he, as the petitioner, is responsible for paying. Mr. Daghlian responded that Mr. Guzzi would be responsible for the installation of the forced gravity connection from the last manhole that the City installs to the home and the sewer use fee. The petitioner asked if it would be possible for the City to run the pipe for the house connection. Mr. Taverna explained that the City does do this type of work but his Department does not schedule that type of work. Ald. Salvucci encouraged the Engineering Department to work with the Utilities Division to schedule the construction of the main and the

house connection at the same time. Ald. Salvucci asked if the owner of 52 Stratford Road would be hooking up to the public sewer at the same time as Mr. Guzzi. Mr. Guzzi is not sure what his neighbor's plan is in terms of connecting to the sewer.

Gayle Smalley reviewed the sewer use charge with the petitioner. She explained that the sewer use charge needs to be paid in full before the sewer main extension is constructed. The petitioner stated that he was more than happy to pay the fee. The public hearing was closed, as no one else wished to speak on the petition.

Ald. Lappin moved approval of the petition, which carried unanimously.

### **Public Hearing Continued**

#98-05 JAMES H. MITCHELL, 83 Countryside Road, Newton Centre, petitioning for laying out, grading and acceptance of COUNTRYSIDE ROAD as a public way from Dedham Street to end (a distance of 2,450') to be the width of 24'.

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

**NOTE:** See note for #100-05, as items were discussed in conjunction.

### **Public Hearing Continued**

#99-05 CRAIG HAMMER, 10 Patten Circle, Newton Centre, petitioning for laying out, grading and acceptance of PATTEN CIRCLE as a public way from Countryside Road to end (a distance of 275') to be the width of 24'.

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

**NOTE:** See note for #100-05, as items were discussed in conjunction.

### **Public Hearing Continued**

#100-05 PETER LEAVITT, 11 Mosley Road, Newton Centre, petitioning for laying out, grading and acceptance of MOSLEY ROAD as a public way from Countryside Road to Rachel Road (a distance of 600') to be the width of 24'.

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

**NOTE:** The continued public hearings and discussions for the above three items were held together. Commissioner Rooney presented the items, which were held in Committee at the last Board meeting, as it was decided that it was important that each abutter to the private ways be notified of the process for acceptance, the cost and the betterment process. A letter was sent to each abutter that included a further explanation of the project and the estimated assessment for their property. The Commissioner stated that he received three responses from the letters. The two property owners at the corners of Dedham Street and Countryside Road are concerned about the assessment, as the street acceptance betterment does not benefit them. The two properties front Dedham Street and both driveway accesses are located on Dedham Street, therefore the property owners feel that the assessment is unfair. The third response was an inquiry about the calculation of the assessment for corner lots. The Commissioner is comfortable that all of the abutters are aware of the estimated individual assessments and what the project entails. In

addition, any property line issues on Countryside Road have been worked out. Countryside Road will be laid out in the footprint of the current road and the property lines will be adjusted in the affected deeds. All three property owners have agreed to sign releases so that takings will not be necessary.

Ald. Lappin asked what the options are for the two Dedham Street property owners. Commissioner Rooney stated that anyone who feels that the betterment does not increase the value of his or her property could petition the Board of Aldermen for abatement. Gayle Smalley added that no one could petition the Board until the project has been completed and the betterment has been assessed. Ald. Mansfield asked whether the betterment ran with the property or the owner. Ms. Smalley responded that from a legal standpoint the betterment runs with the property. However, the local custom is that the seller pays off the betterment at the closing.

Ald. Salvucci opened the discussion to the public. Lee Bardon, 62 Rachel Road, stated that his property is on the corner of Mosley Road and he will benefit from the street acceptance, as his driveway opening is located on Mosley Road. He feels that the street acceptance is a benefit to any property that abuts the street acceptances. It is his belief that the project will raise property values in the future.

Ann Sullivan, 391 Dedham Street, is not in favor of the street acceptance. Her home was built in 1789 and has severe historical restrictions on what can and cannot be done to the property. Ms. Sullivan has lived in her house for the past 28 years. Countryside Road is a detriment, as it becomes a drag way in the summer. She is not interested in creating more speeding and causing Countryside Road to become a cut-through.

Ald. Salvucci asked if Ms. Sullivan was aware that she would be assessed a betterment, as her property abuts Countryside Road. Ms. Sullivan responded that she is aware of the assessment and is very distressed that two homes on Buff Circle will not be assessed. Buff Circle is a small cul-de-sac with four houses located off Countryside Road. It is Ms. Sullivan's belief that the people on Buff Circle receive a benefit from the acceptance of Countryside Road and should be assessed a portion of the betterment.

Leon Semonian, 373 Dedham Street, spoke against the petitions. The street betterment means nothing to him as his address is Dedham Street. He also feels that the people on Buff Circle should be assessed a betterment. Ms. Sullivan and Mr. Semonian both stated that they were unaware of the project until they received the letter from the Commissioner. Both Mr. Semonian and Ms. Sullivan were notified of the earlier public hearing by the Clerk's Office. David Gorman, 32 Countryside Road, asked if the project would be competitively bid. Ald. Salvucci explained that the City's Public Works Department would perform all the work. David Goldstein, 159 Countryside Road, asked if the City would be aligning the street differently. The Commissioner responded that the street will be left as is and if the acceptances are approved the street plan will be changed to reflect the correct lay out.

Mr. Gorman also questioned whether the sidewalks would be asphalt or concrete. The Commissioner stated that in an informal poll of the residents the majority preferred asphalt. Ald. Lappin asked if there was anything in writing stating that the majority of the residents wanted asphalt. The letter that informed the residents of their individual assessments also included the scope of work stating that asphalt sidewalks would be used.

Ald. Salvucci closed the public hearing. Ald. Lappin wanted to be sure that the abutters were aware that there is an avenue for an abatement. Gayle Smalley clarified that the abutter could petition the Board for a site-specific abatement. Ald. Albright asked who was responsible for polling the property owners on whether to use concrete or asphalt for the sidewalks. The Commissioner explained that one of the petitioners spoke with as many abutters as possible and polled them on asphalt or concrete. Ald. Lipof stated that the neighborhood met to get everyone on the same page at the start of the project. The majority of the property owners were involved in each of the decisions in regards to the street. Ald. Stewart felt that there should be hard evidence of the choice of asphalt over concrete. Commissioner Rooney stated that he is willing to do a survey of the property owners and report the results to the Board. With that, Ald. Lappin moved approval of the three petitions to be done as one project, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#133-05 HIS HONOR THE MAYOR requesting that the sum of \$650,000 be appropriated from bonded indebtedness for the purpose of accepting and reconstructing the following three streets: COUNTRYSIDE ROAD; PATTEN CIRCLE; and MOSLEY ROAD.

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

**NOTE:** Commissioner Rooney and Sandy Pooler were present for the discussion of this item. The Commissioner explained that the appropriation would allow the Public Works Department to reconstruct and accept Countryside Road, Patten Circle and Mosley Road. The betterments assessed to the property owners of the streets will pay for the bond over twenty years. The draft Board Order for the appropriation is attached. Ald. Lappin asked what the amount was based on, as the estimated cost of the project is \$590,200 including a contingency amount. Commissioner Rooney responded that the City would only bond for what is assessed. Sandy Pooler explained that the approval of the appropriation gives the Commissioner the authority to expend up to \$650,000 to complete the project. However, the City will bond whatever the exact cost is in February. Ald. Lappin moved approval, which carried unanimously.

Respectfully submitted,

Anthony J. Salvucci, Chairman