

CITY OF NEWTON

IN BOARD OF ALDERMEN

POST AUDIT & OVERSIGHT COMMITTEE AGENDA

TUESDAY, JULY 26, 2011

7:45 pm  
Room 222

**ITEM SCHEDULED FOR DISCUSSION:**

**REFERRED TO POST AUDIT by ZONING & PLANNING COMMITTEE on 04/25/11**

#114-10      ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]  
**ZONING & PLANNING REFERRED 6-0 (Baker not voting) on 04/25/11**  
**RECOMMEND TO HOLD 3-0 on 05/24/11, Ald. Lennon and Shapiro not voting**

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

#323-10      ALD. YATES requesting a report from the Newton Housing Authority (NHA) on the posting of names and contact information of members of the Board of the NHA on bulletin boards in the community centers of NHA developments and on the website of the NHA. [11/01/10 @ 9:44 PM]  
**HELD 4-0 on 01/25/11**

**REFERRED TO POST AUDIT by ZONING & PLANNING COMMITTEE on 04/25/11**

#30-10(2)      POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Department relative to the governance process of the Newton Community Development Authority (NCDA), including recommendations and potential changes to the NCDA. [01/26/09 @ 9:00 PM]  
**ZONING & PLANNING REFERRED 6-0 (Baker not voting) on 04/25/11**

#377-09      ALD. JOHNSON requesting discussion with the Executive Secretary of the Elections Commission on the access to and quality of the Newton Voter Files. [10/26/09 @ 9:02 PM]  
**RECOMMEND TO HOLD 3-0 on 03/29/11**

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at [KCahill@newtonma.gov](mailto:KCahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#375-08 ALD. PARKER, JOHNSON, LINSKY AND SWISTON requesting follow-up discussion on the Payments-In-Lieu-of-Taxes (PILOT) budget resolution passed by the Board of Aldermen as part of the Fiscal year 2009 operating budget discussion. [10/14/08 @ 3:35 PM]

**HELD 5-0 on 03/23/10**

#300-08(2) ALD. JOHNSON, SWISTON AND SHAPIRO requesting discussion with the Executive Department and School Department as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [03/23/10]

Respectfully submitted,

Greer Tan Swiston, Chairman

City of Newton



## DEPARTMENT OF PUBLIC WORKS

## OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449Setti D. Warren  
Mayor

May 12, 2011

To: Alderman Brian Yates

From: David F. Turocy, Interim Commissioner of Public Works

Subject: Irwin Road/Laura Road wetland drainage

During the period of mid-March through mid-April 2011, the Public Works Department completed a drainage improvement project for the Quinobequin Road area that was designed to reduce flooding from the wetlands area between Rokeby Road and Irwin Road/Laura Lane.

The City of Newton has a drain easement from Rokeby Road to the Charles River that was found to be blocked. Flushing from the top of Rokeby Road proved unsuccessful and we were unable to access the drain manhole in the backyards. As a result, the Utilities Division installed a new manhole on the river side of Quinobequin Road in order to better flush the line. We were then able to completely clear the line from the Rokeby Road cul-de-sac to the outlet at the Charles River.

In addition, while flushing this line, a previously unknown drain line was discovered that led from the drain easement into the wetlands area of concern. The inlet of this pipe was found to be covered over with several feet of silt and therefore non-operational. Upon clearing this "new" drain pipe and inlet, the water that had ponded in the wetlands area drained over the course of 24 hours and has remained controlled. The Utilities Division cleared the area around the inlet and installed a new grated cover on the pipe in order to maintain it in the future.

In addition, the Highway Division re-set the granite curbing on Rokeby Road to close off openings in the curb area and prevent water from the wetlands from easily spilling out onto the cul-de-sac. The Utilities Division is also working with the most affected abutter to best direct groundwater in her yard into the drainage easement areas. We believe these steps will provide a significant improvement in the stormwater management of this neighborhood.

Respectfully,

David F. Turocy  
Interim DPW CommissionerCC: Robert R. Rooney, Chief Operating Officer  
Fred Russell, Director of Utilities

CITY OF NEWTON

IN BOARD OF ALDERMEN

POST AUDIT & OVERSIGHT COMMITTEE REPORT

TUESDAY, MAY 24, 2011

Present: Ald. Swiston (Chair), Lennon, Sangiolo, Rice and Shapiro

Absent: Ald. Schnipper, Johnson and Freedman

City Staff: Lou Taverna, City Engineer; Anne Phelps, Senior Environmental Planner Conservation Commission; John Daghlian, Associate City Engineer; Dave Turocy, Interim Commissioner Department Public Works and Fred Russell, Director of Utilities Department of Public Works

**REFERRED TO POST AUDIT by ZONING & PLANNING COMMITTEE on 04/25/11**

#114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]

**ZONING & PLANNING REFERRED 6-0 (Baker not voting) on 04/25/11**

**ACTION: RECOMMEND TO HOLD 3-0, Ald. Lennon and Shapiro not voting**

**NOTE:** Ald. Rice explained that the heavy rains in March 2010 brought flooding situations in the Laura Road area to his and Ald. Yates attention. Flooding occurred in almost all of the yards and basements in that area and at the end of Rokeby Road. The Laura Road subdivision was created by a special permit to create access to property between Rokeby and Irwin Roads with approval of the Planning Board acting as a Board of Survey as well as the approval of the Conservation Commission. It appears by observation the subdivision changed the flow of water forcing water into these residents yards and basements.

Chairman Swiston asked when the subdivision was built. Ms. Phelps said the subdivision was approved in 1994, built through 2000 and the first certificates of occupancy were issued in 1998. The project was in compliance at the time certificates of occupancy were issued and she feels the project is still in compliance. The subdivision is recorded at the Registry of Deeds.

Ms. Phelps reported that dumping of debris was evident in the area. This likely exacerbates the situation and may clog drainage, damage the vegetation and change the landscape. It is the obligation and responsibility of the homeowners in that area to maintain the wetland and they are responsible for removing any debris. Ms. Phelps noted that she sent out notices to the homeowners regarding dumping in these areas requesting they remove the debris.

Chairman Swiston said it is necessary to determine if the permit and approval process is being met. She then asked if there was a special compliance regarding water flow. Ald. Rice said he would provide Committee members with the existing history on this project. Ms. Phelps said the City has made every effort to rectify the drainage issues. Perhaps modifications of the elevation were made to create replica wetlands and flood zones. She believes water flow patterns have not

changed according to material submitted and approved. Chairman Swiston stated this contradicts observations made.

Chairman Swiston opened the discussion to members of the public. Caren Spital, 65 Rokeby Road, said since developing the subdivision she has had increasing amounts of water in her yard. What use to be a tiny pond appears to be lake size ponding encroaching her property, which never was an issue. Maureen Meagher, 342 Quinobequin Road, pointed on a map areas of concern. She said Laura Road was created over wetlands to build the subdivision. She feels the construction of Laura Road has dramatically increased and changed the amount of water residents' face during storms. Ms. Meagher also provided two e-mails from abutting residents, attached to this report. Valerie Forte, 122 Quinobequin Road, said residents paid fees hoping to avoid the construction of the subdivision.

Ms. Phelps pointed out on a map the existing conditions areas of the wetlands and floodplains. She explained that the state and federal government require no net loss of wetlands. Therefore, if a bordering vegetative wetland is filled, it must be replaced in an adjacent area. Ms. Phelps said it is possible there may have been other wetlands in the area in the past. She said that groundwater rises first, then eventually the ground is saturated running off into the Charles River, then the river rises and floods laterally. Mr. Daghlian said according to his map, he would disagree because water is flowing in a different pattern. Chairman Swiston asked if the water flow is running as designed. Ms. Phelps said the flow patterns appear to be the same before and after construction. Ald. Sangiolo asked which direction the water is designed to flow. She said according to conditions made, water is not flowing correctly. Ms. Phelps felt it is an engineering requirement. Mr. Daghlian said it is a Conservation Commission issue because they have to establish hydraulic connections. Mr. Russell said based on his map and elevations the water is supposed to flow differently according to the invert of the pipe. Chairman Swiston suggested conducting research on the Conservation Commission ruling to understand which way the water is to flow. Ald. Sangiolo asked who has jurisdiction to rectify the water flow problem and what recourse the Conservation Commission or the City could take to remediate this issue. She then asked how an item could be docketed to rectify this problem. Ms. Phelps said she would need evidence. Ald. Sangiolo stated flooding is evidence.

Mr. Daghlian said Laura Road is a private road and the infrastructure there has to be maintained annually by the homeowners. Chairman Swiston stated it is not a requirement of subdivisions to have a home association with single-family homes. Ms. Phelps said it is the property owners' responsibility to maintain drainage and believes it is stated in the Board Order. Mr. Russell said since the lines have been jetted clean and checked, water drainage appears to be better.

Chairman Swiston suggested holding this item pending the following information:

- Request the City's Law Department to determine who owns the drainpipes and who is responsible for maintaining them?
- Lot # 3 has a mystery pipe, are there others?
- Ald. Sangiolo will conduct a Deed search in Cambridge, MA.
- Ald. Rice will provide the existing history.

Anne Phelps provided Committee members with the Order of Conditions, attached to this report.

Ald. Sangiolo made the motion to hold this item until June pending the requested information. Committee members agreed 3-0, Ald. Lennon and Shapiro not voting.

At approximately 9:15 pm, Chairman Swiston moved to adjourn.

Respectfully submitted,

Greer Tan Swiston, Chairman