

CITY OF NEWTON

IN BOARD OF ALDERMEN

POST AUDIT & OVERSIGHT COMMITTEE REPORT

TUESDAY, JULY 26, 2011

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

Absent: Ald. Lennon, Schnipper, Johnson and Freedman

Also Present: Ald. Yates

City Staff: Lou Taverna, City Engineer; John Daghljan, Associate City Engineer; Dave Turocy, Commissioner Department Public Works and Maria Rose, Environmental Engineer Public Works Department

**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**

**ACTION: NO ACTION NECESSARY 4-0**

**NOTE:** Chairman Swiston reviewed with Committee members' reasons why this item was previously held. She said the Conservation Commission and Board of Survey jurisdictions ended when the four lots were completed. She then said the City is responsible for cleaning out drainage pipes with the assistance and cooperation with residents who are impacted on these properties (which include the residents of Laura Road, though they were not at the meeting).

Ald. Sangiolo provided Committee members with property maps from the Registry of Deeds, attached to this report. The property maps indicate that there is an easement on the properties. She then said she inquired with the City's Law Department requesting them to determine if an easement would allow the City access to private property. Prior to building this development, it is unclear in the plans where sewer easements are located. Chairman Swiston asked if there were additional mystery pipes. A resident said it was her understanding an additional pipe ran from Rokeby to Quinobequin Road and asked if the City was able to locate this pipe. Mr. Taverna stated a spur (e.g., drain lateral) was located, cleaned-out and now appears to be functioning properly. Ms. Rose pointed to the 1994 Definitive Plan for Laura Estates showing the 6" drain lateral, the existing City easement for sewer and drain that runs perpendicular from the end of Rokeby Road to Quinobequin Road and the proposed lots. The 6" lateral was identified prior to construction of the Laura Road subdivision. Ms. Rose then showed the Committee and members of the public the "As-built Plan" for Laura Road, dated January 6, 1998, which depicts infrastructure locations including several dry wells associated with the Laura Road subdivision.

Mr. Taverna said an easement for the three dry wells at the end of Laura Road were never conveyed to the City on the back of lot # 1, at the conclusion of the project though it was supposedly a part of the original plan. Ms. Rose said if those drains (associated with those three drywells) were not flowing properly, Laura Road would be flooding. Alderman Sangiolo asserted that we have not heard any complaints of flooding on Laura Road. Mr. Taverna clarified that if the owner grants easement to the City it does not necessarily mean the City will take ownership of the three drywells. The drywells belong to the property owners and the City does not want to accept them or maintain them indefinitely. The concern is that the City has the ability to periodically inspect the condition of that drainage system when downstream issues are suspected.

Chairman Swiston said unfortunately, an association was never formed representing the Laura Road residents "as one". She suggested neighbors form an entity as an association. Mr. Taverna stated if the subdivision were to be built today, the Board of Survey would require a homeowners association and they would require an annual maintenance fee.

She asked what happened to the ownership of the pipes when the sub-division was completed. Ms. Rose said under these private lands, the pipes are also privately owned except for the previously mentioned easement. Ald. Yates asked Mr. Taverna and Mr. Turocy if the City would like to have ownership of the pipes or have an easement to them. Mr. Taverna said an easement would allow the City to check them. Determining ownership of the pipe is the Board of Aldermen's decision and who would accept them as public water and sewer pipes. Chairman Swiston asked if the road and pipes were built to proper specification. Mr. Taverna said he assumes these were built to accordance of the Board of Survey as a private way. He then said Laura Road would never become a public road due to the way it was built, but if it were, the City would inherit all pipes.

Ald. Sangiolo said an easement was never built at the north corner as "As-built Plans" illustrates. The Deed states an easement is in place and the City should be able to make inspections upon the Deed. Ald. Yates indicated that perhaps the high and low grading points on properties might be at fault for providing improper drainage. Perhaps the clogged spur was the issue. Ms. Rose also provided Committee members of photos depicting debris being dumped in the area, which is problematic likely exacerbating the situation and may clog drainage pipes, damage vegetation and reduce flood storage. It is the obligation and responsibility of the homeowners in that area to maintain the wetland and they are responsible for removing any debris. A discussion followed regarding the culvert under Irwin Road and how it is sloped. The "As-built Plan" shows a 12" diameter pipe which connects the two wetland areas on either side of Irwin Road and is sloped to flow towards the east side. Mr. Daghlian stated that typically a culvert is sloped from higher ground to lower ground, which is not the case here.

Chairman Swiston opened the discussion to members of the public. Valerie Hutchinson, 120 Quinobequin Road; Judith Kohn, 518 Quinobequin Road; Caren Spital, 65 Rokeby Road and Maureen Meagher, 342 Quinobequin Road joined the discussion that focused primarily on drainage issues. They stressed their comments and questions.

### Comments

Since the main drain was cleaned-out and the rediscovered spur was cleaned out, the water accumulations in the backyards appear to be less. Water is draining faster leaving less standing water.

### Questions

Who will maintain the spur, if it needs upgrading or improvements? Is the pipe doing what it was designed to do? Does the land grade on the plans reflect what the actual grade is on the properties? Which direction should the water flow naturally? Is the spur privately or City owned? Who owned the spur prior to 1994? When the development was being considered was the underneath area identified as a wetland? What is the elevation of the Charles River?

### Pre-construction conditions

Ms. Rose stated 1994 plans prove there is a spur in the development at that time. The development was identified as a wetland. Ald. Yates asked if the City's Law Department determined if the construction on Laura Road was appropriate and whether the easements provide service to the development. Ald. Yates said that the heavy rains in March 2010 brought flooding to backyards in the Laura Road area. Mr. Daghlian said based on detailed maps, many homes on Quinobequin Road are in the flood zone. He said that groundwater rises first, then eventually the ground is saturated running onto the Charles River, then the river rises and floods. The driveway of #65 Rokeby Road equals the elevation of the head wall of the outfall from the Charles River.

Ms. Rose pointed to 1979 topographic plans showing landscape prior to building Laura Road. The plan depicts steep slopes that level out to a big "bowl" behind #360 to 386 Quinobequin Road. This flat area is approximately 3 feet lower than the land on the other side of Quinobequin Road. By today's standards, if this land were not developed it would be likely considered isolated land subject to frequent flooding. One resident noted that the area was heavily vegetated, which helped to absorb storm water. Ald. Yates reviewed a report regarding the storm water analysis that indicates there was reconstruction of three drains servicing this area. He asked if these pipes were operating properly as designed. Ms. Rose answered yes.

Chairman Swiston asked if there is a policy in place to ensure ongoing maintenance. She then said there is no easy solution to the on-going issues and cooperation will be necessary. She then asked if the suspicious pipe located in lot #3, (the spur) is working properly.

Ald. Sangiolo suggested consulting the City's Law Department requesting them to determine the following information:

1. Determine who owns the spur that is 6" lateral, feeding into the 12" drainage main that runs perpendicular to Rokeby and Quinobequin Roads and sits on lot#3?
2. If the City owns it, then is there the necessary easement in this location to allow the City proper access for maintenance purposes?
3. Does the Conservation restriction allow the City right of entry to inspect wetlands (on private property) without further easements to determine if they are working as designed?
4. What recourse the City has to assert or acquire the easement that was to be conveyed to the City when the land was sub-divided where the dry wells are located? Does the City need those

easements to inspect the drainage system if they are suspected of having an impact on drainage further downstream? Since the City does not own the three drywells or the drainage system that feeds into them, does the City need an easement?

Alderman Sangiolo asked that findings be reported to Chairman Swiston, President Lennon and Chairman Schnipper of the Public Facilities Committee.

Ald. Sangiolo said she prefers the City having the right to access and inspect the properties. She then suggested if the City finds issues, then perhaps the City could enforce residents to rectify the problem.

Chairman Swiston stated the City's Law Department findings would be provided to residents present.

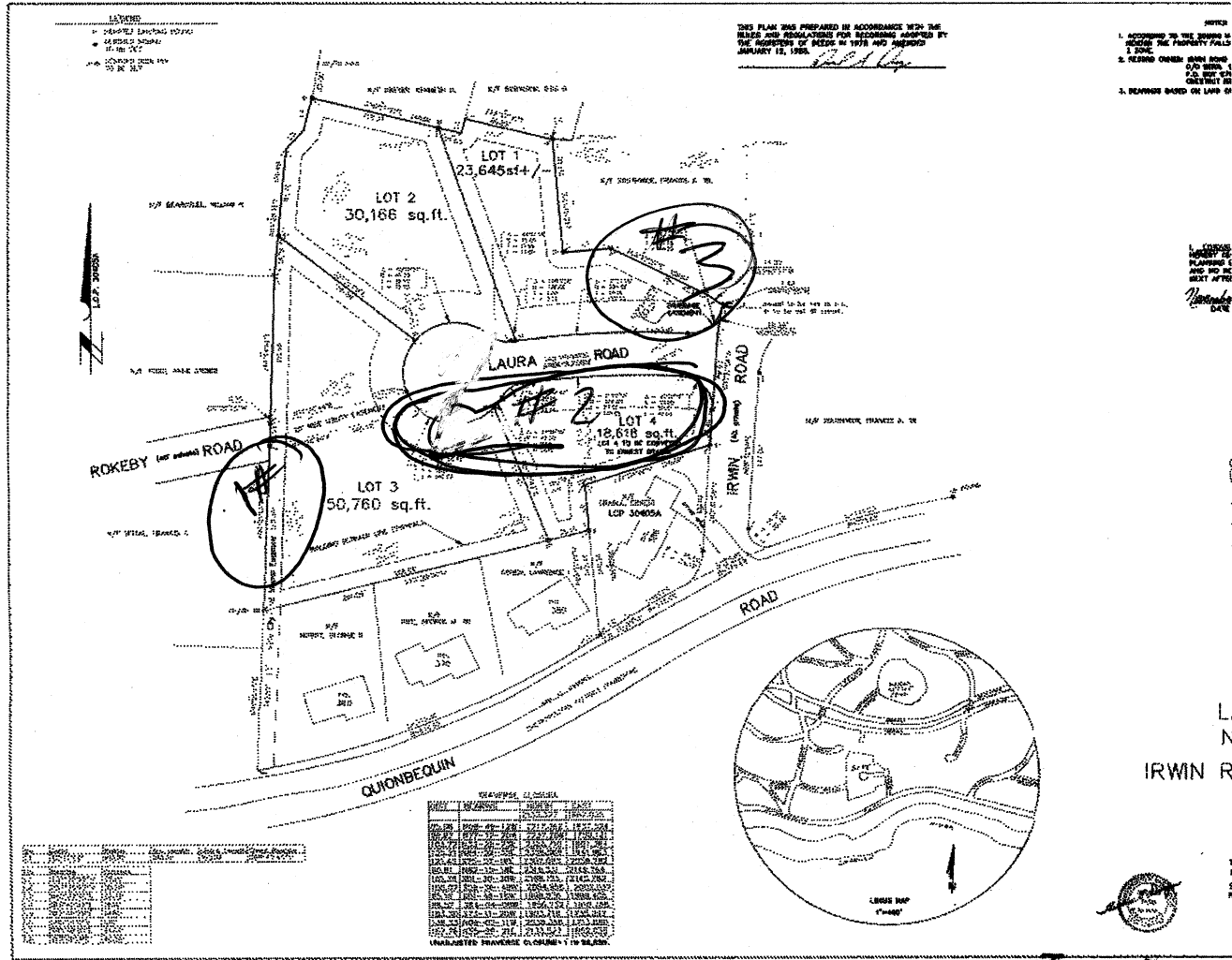
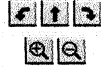
Chairman Swiston recommended a vote of no action necessary on this item with the condition that the Committee follow-up as recommended. Committee members agreed 4-0.

At approximately 9:30 pm, Ald. Rice moved to adjourn. Committee members agreed 4-0.

Respectfully submitted,

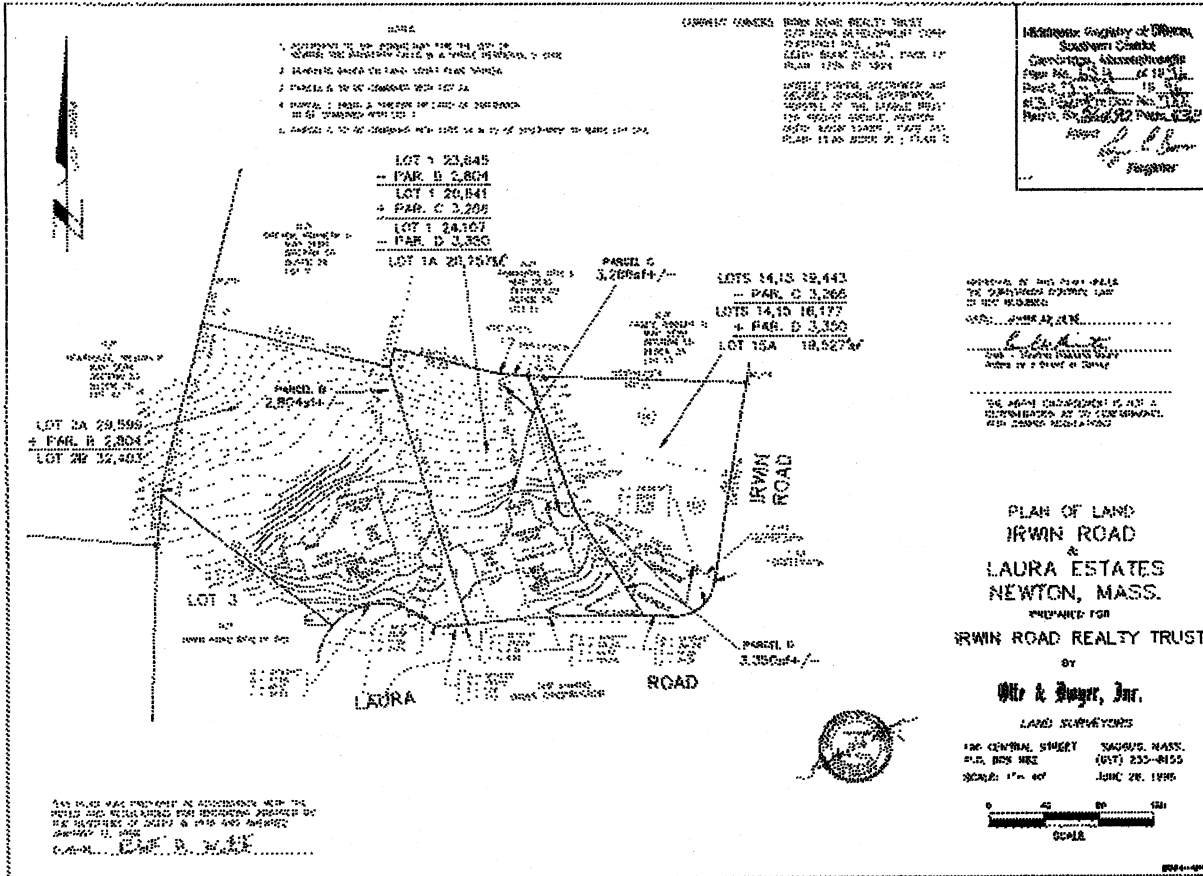
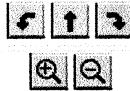
Greer Tan Swiston, Chairman

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1. APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF NEWTON, MASSACHUSETTS, IN A RESOLUTION PASSED AT A PUBLIC HEARING, ON THE 12TH DAY OF MARCH, 1998.

2. APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF NEWTON, MASSACHUSETTS, IN A RESOLUTION PASSED AT A PUBLIC HEARING, ON THE 12TH DAY OF MARCH, 1998.

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APPROVED BY THE CITY OF NEWTON, MASSACHUSETTS, IN A RESOLUTION PASSED AT A PUBLIC HEARING, ON THE 12TH DAY OF MARCH, 1998.

BY: *[Signature]*  
CITY CLERK

PLAN OF LAND  
IRWIN ROAD  
&  
LAURA ESTATES  
NEWTON, MASS.  
PREPARED FOR  
IRWIN ROAD REALTY TRUST  
BY  
**Wm & Roger, Inc.**  
LAND SURVEYORS  
120 CENTRAL STREET, NEWTON, MASS. 02459-1155  
TEL: 617-552-1155  
SCALE: 1" = 60'  
JUNE 28, 1998

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CITY CLERK  
NEWTON, MA 02159

City of Newton



## DEPARTMENT OF PUBLIC WORKS

### OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti 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 Commissioner

CC: Robert R. Rooney, Chief Operating Officer  
Fred Russell, Director of Utilities