



## Public Facilities Committee Agenda

### City of Newton In City Council

Wednesday, September 9<sup>th</sup>, 2020

The Public Facilities Committee will hold this meeting as a virtual meeting on Wednesday, September 9th, 2020 at 7:00 pm. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/82569854808>

Dial by your location

+1 646 558 8656 US (New York)

Meeting ID: 825 6985 4808

#### Item Scheduled for Discussion:

##### *Public Hearing*

- #331-20 National Grid petition for grant of location in Crescent Square**  
NATIONAL GRID petition for a grant of location to relay 127' +/- of 4" CI LP (cast-iron low pressure) gas main and 23' +/- of 4" PL LP (plastic low pressure) in Crescent Square with 150' +/- 6" PL LP (plastic low pressure) from Thornton Street to the end of the main. (Ward 1)
- #133-20 Request for Ordinance Amendments to Chapter 5, Section 7**  
SOLID WASTE COMMISSION AND COUNCILOR LEARY requesting an ordinance change of Chapter 5 of the Revised Ordinances, Solid Waste Commission, Sections 7-50—7-54. The changes will revise the commission's name to the Sustainable Materials Management Commission to align with the updated name of the Sustainable Materials Management Division of the Department of Public Works. Additionally, requesting to reduce the maximum number of members to eleven from the current fifteen, add organics management and energy recovery to the commission's areas of interest; and define a quorum as a majority of the members then serving on the commission.

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**Referred to Public Facilities and Finance Committees**

**#366-20**

**Appropriate \$150,000 for the rehabilitation of the Bullough's Pond Dam**

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred and fifty thousand (\$150,000) from Acct # 6200-3240 Stormwater Management Fund Surplus for the purpose of funding engineering design services and permitting fees for the rehabilitation of the Bullough's Pond Dam.

**Referred to Public Facilities and Finance Committees**

**#367-20**

**Appropriate \$900,000 for the rehabilitation of the Waban Hill Covered Reservoir**

HER HONOR THE MAYOR requesting authorization to appropriate and expend nine hundred thousand dollars (\$900,000) from Acct #6000-3240 Water Fund Surplus for the purpose of funding the rehabilitation of the Waban Hill Covered Reservoir.

**#359-20**

**Authorization to improve intersections on Allen and Beethoven Ave**

HER HONOR THE MAYOR requesting authorization to improve the traffic, pedestrian and bicycle safety at several intersections on Allen and Beethoven Ave near the Zervas Elementary School Pin in addition to slowing the vehicle speeds in the neighborhood around the Zervas School.

**#360-20**

**Acceptance of an easement on Terrace Avenue**

HER HONOR THE MAYOR requesting the acceptance of a 20' wide easement in property known as 47 Terrace Avenue and adjacent City property (Ward 6).

**Respectfully submitted,**

**Alison M. Leary, Chair**

CITY OF NEWTON  
MASSACHUSETTS

RECEIVED  
2020 JUL -9 AM 8:53

PETITION for GRANT OF LOCATION

CITY CLERK  
NEWTON, MA. 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

**Grant of Location Process:**

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

**Questions may be directed to:**

Lou Taverna, City Engineer, 617-796-1020  
Cassidy Flynn, Clerk of the Public Facilities Committee 617-796-1213

**I. IDENTIFICATION (Please Type or Print Clearly)**

NATIONALGRID

Company Name \_\_\_\_\_

201 RIVERMOOR STREET, WEST ROXBURY MA 02132

Address \_\_\_\_\_

617 894-3896

Phone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Mary Mulronev

Permit Representative

Contact Person \_\_\_\_\_

Title \_\_\_\_\_

July 9,2020

Signature *Mary Mulronev*

Date \_\_\_\_\_

Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

**II. DESCRIPTION OF PROJECT: to be completed by petitioner**

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Due to Newton's water work, FY18/19 PWNONREIM recommends the relay of approximately: 127 Ft of 4-in CI LP (1911/1925) and 23 Ft of 4-in PL LP (2003) gas main in Crescent Sq with 150 Ft of 6-in PL LP from Thornton St to End of main.  
 Total Main Installation: 150 feet

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:  
 Title of Plan 5-17 Crescent SQ, Newton Date of plan July 9, 2020

**III. PUBLIC WORKS DEPARTMENT REVIEW**

Date received by Public Works Department July 9, 2020

Check One:

Minor Project  Major Project  Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan  Stamped Plans

**DATE AND COMMENTS:**

**RECOMMENDATIONS:**

The gas main in various locations is being relayed and updated due to the City's Water work program that encroached upon the existing gas main. Trench restoration and compaction requirements shall be per Street Opening Permit. <i>John Daghljan, Associate City Engineer</i> July 16, 2020	

**V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:**

Shawna Sullivan

Digitally signed by Shawna Sullivan  
 Date: 2020.07.16 14:30:11 -04'00'

Commissioner, Public Works

Date

**ABUTTERS LIST****CRESCENT SQ**

5-7 CRESCENT SQ SILVERSTEIN MARK & DOROTHY  
9-11 CRESCENT SQ STEINBERG ROBERT (OWNER 86 NONANTUM ST NEWTON MA)  
15 CRESCENT SQ KANG XIAORAN & LEI ZEN  
17-17R CRESCENT SQ DIMODICA MICHAEL & LAURIE (OWNERS 73 COFFIN ST W. NEWBURY MA)

**THORNTON ST**

3-5 THORNTON ST KAHL GEOFF & LEE JIM  
11 THORNTON ST ALTIERI DAVID (OWNER 5 BERRY LN ACTON MA)  
14 THORNTON ST ATTARDO ALFONSO & ROSA (OWNERS 144 MADISON AVE WATERTOWN MA)  
18 THORNTON ST FARINA GUIDO & ELFRIEDE (OWNERS 89 MULFORD ST S. YARMOUTH MA)  
21 THORNTON ST SARDI ANGNES

**PEARL ST**

79 PEARL ST ROSERICK ELIZABETH  
80 PEARL ST COSTON DOROTHEA  
87 PEARL ST HENRY GORDON  
95 PEARL ST WANG NINGSHAN

**WABAN ST**

1 WABAN ST POTTER CAROLINE  
3 WABAN ST FITZGERALD KEVEN & SUSAN  
11-13 WABAN ST SULLIVAN NEIL & SUSAN  
12 WABAN ST LEW DEANA

**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

**City of Newton / City Council:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**To install and maintain approximately 150 Ft of 6-in PL LP from Thornton St to end of main. Due to Newton's water work, FY18/19 PWNONREIM recommends the relay. 127 Ft of 4-in CI LP (1911/1925) and 23 Ft of 4-in PL LP (2003) gas main in Crescent Sq will be replaced.**

**Total Main Installation: 150 Ft**

Date: **July 9, 2020**

By: \_\_\_\_\_  
Mary Mulroney  
Permit Representative

**City of Newton / City Council:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date **July 9, 2020** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

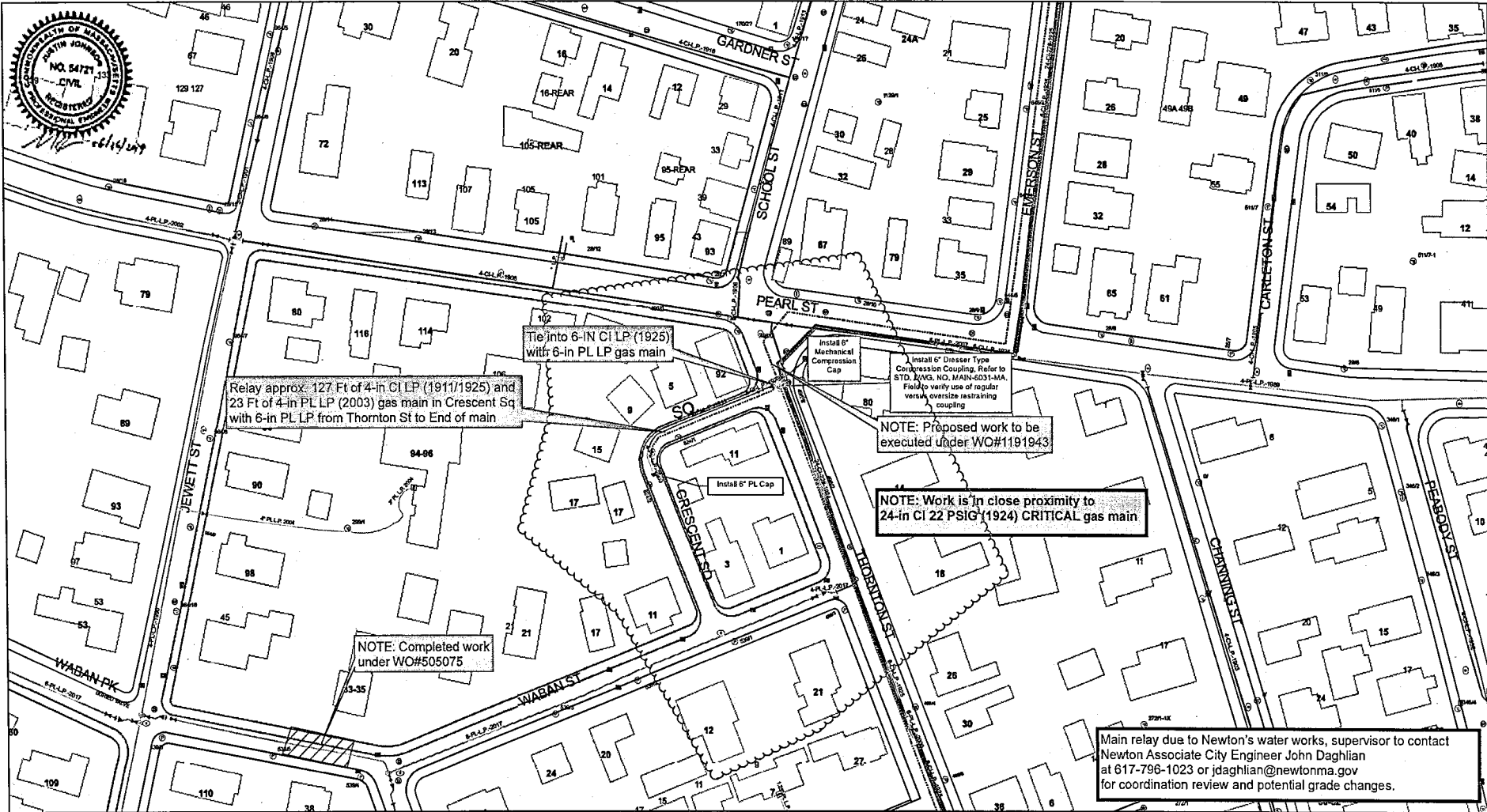
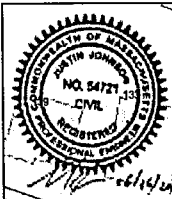
\_\_\_\_\_  
Title

**WO #1232847**

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**

- PRESSURE GAUGES ARE REQUIRED AT ALL MAINS FOR ALL TIE-INS. REFER TO GCON-7010 PROCEDURE.
- CHECK ELECTRONIC MAPPING SYSTEM FOR MOST CURRENT MAPPING INFORMATION.

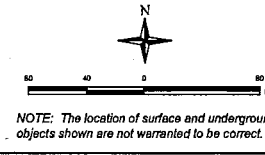
THE GCON-7010 PROCEDURE HAS BEEN SUPERSEDED BY THE GCON-02001 PROCEDURE



**ENGINEERING DESIGN - Proposed Scope of Work**

**5-17 Crescent Square, Newton, MA**

Due to Newton's water work, FY18/19 PWNONREIM recommends the relay of approximately:  
 - 127 Ft of 4-in CI LP (1911/1925) and 23 Ft of 4-in PL LP (2003) gas main in Crescent Sq with 150 Ft of 6-in PL LP from Thornton St to End of main.  
 Total Main Installation: 150 Ft. Total Main Abandonment: 150 Ft. 8 Services. 1 Main Connection



ENGINEER	MLY	SIZE	6 IN
DATE	03/09/2018	MATERIAL	PL
LENGTH	150 FEET	PRESSURE	LOW
	(781) 907-5559		1232847
CONTACT		WORK ORDER #	

ArcFM  
**nationalgrid**

Main relay due to Newton's water works, supervisor to contact Newton Associate City Engineer John Daghlian at 617-796-1023 or jdaghlian@newtonma.gov for coordination review and potential grade changes.

## CITY COUNCIL

#

RECEIVED

## CITY OF NEWTON

2020 FEB 10 PM 3:30

## DOCKET REQUEST FORM

**DEADLINE NOTICE:** Council Rules require items to be docketed with the Clerk of the Council **NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.**

NEWTON, MA. 02459

To: Clerk of the City Council

Date: 2/10/2020From (Docketer): Solid Waste Commission, Marian Rambelle, ChairAddress: 2 Harrington St, Newton MA 02460Phone: 617-527-4590E-mail: marian@cobelle.orgAdditional sponsors: Alison Leary, City Councilor

## 1. Please docket the following item (it will be edited for length if necessary):

The Solid Waste Commission requests an ordinance change of Article V Solid Waste Commission, Secs. 7-50--7-54. The changes will revise the commission's name to the Sustainable Materials Management Commission to align with the updated name of the Sustainable Materials Management Division of the Department of Public Works; reduce the maximum number of members to eleven (11) from the current fifteen (15); add organics management and energy recovery to the commission's areas of interest; and define a quorum as a majority of the members then serving on the commission.

## 2. The purpose and intended outcome of this item is:

- |  |  |
|--|--|
| <input type="checkbox"/> Fact-finding & discussion             | <input checked="" type="checkbox"/> Ordinance change |
| <input type="checkbox"/> Appropriation, transfer,              | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Expenditure, or bond authorization    | <input type="checkbox"/> License or renewal          |
| <input type="checkbox"/> Special permit, site plan approval,   | <input type="checkbox"/> Appointment confirmation    |
| <input type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____                |

## 3. I recommend that this item be assigned to the following committees:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Programs & Services          | <input type="checkbox"/> Finance       | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning            | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input checked="" type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use      | <input type="checkbox"/> No Opinion        |

## 4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES



5. Estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Waneta Trabert, Dir, SMM Div, DPW

Marian Rambelle (617-527-4590)

Alison Leary, City Councilor

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

Redline version of requested ordinance change of Article V, Secs. 7-50--7-54, as approved by Marie Lawlor, Assistant City Solicitor (to be submitted by the Solid Waste Commission).

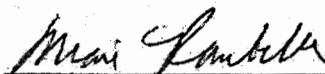
8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.



Signature of person docketing the item

[Please retain a copy for your own records]

**ARTICLE V.**  
**SUSTAINABLE MATERIALS MANAGEMENT COMMISSION**

**Sec. 7-50. Establishment.**

A commission known as the Newton sustainable materials management commission is hereby established. (Rev. Ord. 2007, § 2-320)

**Sec. 7-51. Composition and organization.**

(a) The commission shall be made up of eleven (11) members who shall be appointed by the mayor with the approval of the city council. The members of the commission shall be citizens of the city and shall, so far as practicable, be selected so as to provide representation from any advisory group to the mayor and/or city council dealing with the issue of solid waste disposal or recycling, to the extent that such groups exist, as well as representation by other citizens with expertise or interest in various areas within the field of municipal solid waste disposal, including but not limited to recycling, composting, resource recovery, hazardous waste environmental engineering, solid waste collection, organics management, and energy recovery. The public works commissioner shall be an ex-officio member of this commission.

(b) Each member shall be appointed for a term of three (3) years or until a successor takes office. No member shall serve for more than three (3) consecutive terms, provided, however, that a member appointed to fill an unexpired term may serve for three (3) consecutive terms after completing such unexpired term.

(c) The commission shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. V-86, 6-17-96; Rev. Ord. 2007, § 2-321)

(d) A quorum of the commission shall consist of a majority of the members then serving on the commission.

**Cross reference**—Regulations governing appointment and service on commissions, etc., § 7-1

**Editor's note:** The original version of the ordinance provided that five (5) of the initial members be appointed for a one year term and five (5) of the initial members be appointed for a two (2) year term.

**Sec. 7-52. Purpose, powers and duties.**

(a) The purpose of the commission shall be to advise the mayor and the city council on all aspects of municipal solid waste collection, disposal, organics management, energy recovery, and recycling affecting the city and to monitor and make recommendations regarding the city's activities relating to solid waste collection, disposal, organics management, energy recovery, and recycling.

(b) The commission's powers shall include the following:

To investigate methods of recycling, waste stream reduction, and household hazardous waste collection and to disseminate information thereon; to consider new technologies for handling municipal solid waste; to monitor federal and state laws and regulations pertaining to municipal solid waste disposal with regard to the impact of such laws and regulations upon the city; and to monitor and make recommendations relative to the city's solid waste disposal activity, organics management, energy recovery, and recycling and any contracts which implement such activities.

(c) The commission shall file an annual report with the mayor and the city council which shall contain recommendations concerning the city's solid waste collection and disposal activities, organics management,

energy recovery, and recycling programs. The report shall also set forth an outline of the committee's goals and objectives for the upcoming year. (Ord. No. S-325, 9-6-88; Rev. Ord. 2007, § 2-322)

**Secs. 7-53—7-54. Reserved.**

## ARTICLE V.

SUSTAINABLE MATERIALS MANAGEMENT COMMISSIONSOLID WASTE COMMISSION**Sec. 7-50. Establishment.**

A commission known as the Newton sustainable materials management solid waste commission is hereby established. (Rev. Ord. 2007, § 2-320)

**Sec. 7-51. Composition and organization.**

(a) The commission shall be made up of eleven (11) fifteen (15) members who shall be appointed by the mayor with the approval of the city council. The members of the commission shall be citizens of the city and shall, so far as practicable, be selected so as to provide representation from any advisory group to the mayor and/or city council dealing with the issue of solid waste disposal or recycling, to the extent that such groups exist, as well as representation by other citizens with expertise or interest in various areas within the field of municipal solid waste disposal, including but not limited to recycling, composting, resource recovery, hazardous waste environmental engineering, ~~and~~ solid waste collection, organics management, and energy recovery. The public works commissioner shall be an ex-officio member of this commission.

(b) Each member shall be appointed for a term of three (3) years or until a successor takes office. No member shall serve for more than three (3) two (2) consecutive terms, provided, however, that a member appointed to fill an unexpired term may serve for three (3) two (2) consecutive terms after completing such unexpired term.

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To investigate methods of recycling, waste stream reduction, and household hazardous waste collection and to disseminate information thereon; to consider new technologies for handling municipal solid waste; to monitor federal and state laws and regulations pertaining to municipal solid waste disposal with regard to the impact of such laws and regulations upon the city; and to monitor and make recommendations relative to the city's solid waste disposal activity, organics management, energy recovery, and recycling and any contracts which implement such activities; ~~and to apply for and receive grants and expend funds appropriated for its use for the purposes set forth in this subsection, provided that no expense may be~~

~~incurred by the commission without the prior approval of the commissioner of public works.~~

(c) The commission shall file an annual report with the mayor and the city council which shall contain recommendations concerning the city's solid waste collection and disposal activities, [organics management](#), [energy recovery](#), and recycling programs. The report shall also set forth an outline of the committee's goals and objectives for the upcoming year. (Ord. No. S-325, 9-6-88; Rev. Ord. 2007, § 2-322)

**Secs. 7-53—7-54. Reserved.**



RUTHANNE FULLER  
MAYOR

**City of Newton, Massachusetts**  
**Office of the Mayor**

**366-20**

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

August 31, 2020

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$150,000 from Acct # 6200-3240 Stormwater Management Fund Surplus – Available for Appropriation for the purpose of funding engineering design services and permitting fees for the rehabilitation of the Bullough’s Pond Dam, NID No. MA03414, Newton, MA.

Bullough’s Pond Dam is an approximately 170-foot long earthen embankment. The top of the embankment is the asphalt-paved Dexter Road. The water level in Bullough’s Pond is maintained via an uncontrolled 35-foot-long spillway located toward the middle of the embankment and a gated twin 24-inch diameter low-level outlet, located on the left or west side of the embankment. The upstream and downstream slopes are grassed and heavily vegetated with woody brush and trees. The Massachusetts Office of Dam Safety (OSD) database indicates that Bullough’s Pond Dam is a Small size structure with a Significant Hazard Potential.

The project scope and fee are attached. Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED

2020 AUG 31 PM 12:42

CITY CLERK  
NEWTON, MA. 02459

City of Newton



## DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449Ruthanne Fuller  
Mayor

Date: August 27, 2020

To: Mayor Ruthanne Fuller

From: James McGonagle, Commissioner

Subject: Request for Docket Item and Funding  
Bullough's Pond Dam Rehabilitation Engineering Design Services

I respectfully request an appropriation of \$150,000.00 for engineering design services and permitting fees for the rehabilitation of the Bullough's Pond Dam, NID No. MA03414, Newton, MA. See scope and fee attached.

Bullough's Pond Dam is an approximately 170-foot long earthen embankment. The top of embankment is asphalt-paved Dexter Road. The water level in Bullough's Pond is maintained via an uncontrolled 35-foot-long spillway located toward the middle of the embankment and a gated twin 24-inch diameter low-level outlet, located on the left or west side of the embankment. The upstream and downstream slopes are grassed and heavily vegetated with woody brush and trees. The Massachusetts Office of Dam Safety (OSD) database indicates that Bullough's Pond Dam is a Small size structure with a Significant Hazard Potential.

The Phase 2 dam inspection and report has been completed by our consulting engineers, GZA Geo-Environmental, Inc. The report recommends rehabilitation of the dam structure.

Numerous inspections since 2017 found the dam to be in poor condition. Reported deficiencies in the follow-up inspections include:

- Unwanted vegetation in areas of the dam including large trees along the downstream slopes;
- Scarping along the upstream slope and bare soils prone to erosion along the downstream slope;
- Areas of displaced stones from the low-level outlet downstream headwall;
- Area of scour along the downstream channel including at the low-level outlet and along the left and right banks. If erosion of the left bank continues, it could encroach on the toe of the downstream slope;
- Mortar missing from some joints of the spillway training walls;
- Additional unspecified maintenance deficiencies and potential dam safety concerns.

The Phase 2 dam inspection report presented some alternatives for repairs to the dam. Alternative 5, substantial reinforcement of the upstream and downstream slopes, among many other recommendations, has been selected as the preferred alternative.

Design funds are requested at this time to begin and complete the design of the repair work. Our consulting engineers are GZA Geo-Environmental, Inc. Construction funds will be requested once design is completed. Please docket this item with the honorable City Council for consideration.

Sincerely,

James McGonagle  
Commissioner Public Works

Attachments:

Scope and fee dated July 24, 2020



### Alternative 5: Armor Downstream Slope to Provide Overtopping Protection

This alternative includes armoring of the embankment to allow overtopping during the spillway design flood while mitigating potential erosion and scour failure of the embankment. Under existing and proposed conditions, the dam would be overtopped by approximately 0.2 feet. There are different methods of slope armoring available, all of which have the same goal: to protect the earth from the flow and turbulence of flood water that tends to erode the embankment, thus leading to dam failure. There are three main categories of slope armoring:

1. Pre-cast, Articulated Concrete Blocks (ACB)
2. Stone Riprap
3. Turf Reinforcement Mats (TRM)
4. Gabions

All of these are proven methods for overtopping protection. They are selected based on the depth of overtopping, flow velocities, and duration of overtopping. Each of these armor alternatives comes in different sizes and strengths, depending on individual site constraints. Since upstream slope protection is envisioned under all five alternatives, the upstream and downstream slopes could be designed to use the same armoring and would appear similar.

Placing riprap on the slope is a natural and low-labor solution. Stones would be dumped downslope and chinked into place using smaller stones. The riprap also helps to establish a stable slope; however, public access would be difficult due to irregular footing. In addition, maintenance of the riprap would likely be needed as the stones may be displaced over time or by vandalism, especially in public areas. Gabions could be used to armor the slope in a stepped fashion. During final design, it is likely that the gabions will require concrete facing of horizontal surfaces to resist scour. A filter or drainage layer would likely be needed for either riprap or gabions.

Unlike riprap, ACBs provide a physically flexible option for erosion protection. They are not intended for slope stabilization and slope stability must be established before implementing an ACB system. ACB systems are composed of pre-formed concrete blocks that are interconnected by cables. The blocks conform to changes in the subgrade and provide protective cover. Topsoil can be placed in and over open-cell ACBs to allow vegetation to be established, which can improve aesthetic appeal. In an ACB system, the contact between the ACB's and the subgrade is paramount. A filter or drainage layer is needed in the design of ACB systems. Flow beneath the armor layer can cause uplift pressure and separate the blocks from the subgrade.

Turf Reinforcement Mats (TRMs) are generally not as erosion-resistant as riprap or ACBs, but have been used and approved by ODS in the past as embankment dam overtopping protection. TRMs are a permanent, cost effective and environmentally friendly alternative to hard armor erosion protection solutions. TRMs essentially consist of ultraviolet light and chemical resistant synthetic polyolefins manufactured to create a flexible three-dimensional matrix. Seed and soil are held in place within the matrix. As the vegetation matures, roots and stems inter-twine with the matrix, creating a "Biotechnical Composite" that is permanently anchored to the soil greatly enhancing the turfs' ability to withstand high shear stresses and flow velocities. With adequate care, a visitor to the site would see only a grassed slope within a growing season. At the upstream water level, a different material such as riprap would be necessary to resist scour. This alternative would also require repointing of the spillway training walls.

The conceptual cost estimate for armor using either TRM or ACBs is \$700,000 to \$800,000. Armoring using riprap would be on the order of \$850,000 to \$950,000. In GZA's opinion, armoring the downstream slope to allow it to withstand the SDF is the preferred alternative.

#### Additional Repair Considerations

DCR may reclassify Bulloughs Pond Dam as a High Hazard potential, dam. This reclassification would increase the Spillway Design Flood (SDF) per Massachusetts Dam safety regulations. Hazard Classification and SDF should be re-evaluated during final design. Each of the first four alternatives is not scalable in that if additional storage or outflow capacity is required after construction, significant dam modifications could be required. The preferred (fifth) alternative is scalable in that additional or more robust overtopping protection could be considered in the final design and installed at the present time to accommodate future changes in SDF outflow.

The following additional construction and contractual items may be necessary to support final design, depending on the selected alternative.

- Replacement of the two 24-inch diameter gate valves. The current valves are functional, but they may be nearing the end of their service life.
- A property line survey will be required for final design.
- Traffic impact studies may be necessary, depending on the alternative chosen.
- Temporary or permanent easement agreement(s) with nearby property owners for temporary access to work areas or location of permanent features to be constructed on adjoining properties.



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July 24, 2020  
File No. 01.P000330.21

Louis M. Taverna, P.E.  
City Engineer  
City of Newton Department of Public Works  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459

RE: Proposal for Final Design and Permitting Services  
Bulloughs Pond Dam, NID No. MA03414  
Dexter Road, Newton, Massachusetts

Dear Mr. Taverna:

Based on your recent request, GZA GeoEnvironmental, Inc. (GZA) is pleased to provide the City of Newton (City/Client) with this proposal / scope of services for dam safety engineering services at the Bulloughs Pond Dam on Dexter Road in Newton, Massachusetts (Site). The objective of our proposed services for the City is to provide final design, permitting, preparation of bidding documents, and bid administration assistance for rehabilitation of the Bulloughs Pond Dam.

#### PROJECT UNDERSTANDING

Bulloughs Pond Dam is an approximately 225-foot long, 14.5-foot high earthen embankment. The dam is currently an **Intermediate** size, **Significant Hazard Potential** structure. GZA has provided previous dam safety services for the City, including an Emergency Action Plan<sup>1</sup> (EAP) required by Dam Safety Regulations<sup>2</sup>, Follow-up inspections necessitated by a prior Poor Condition rating (by others), and a Phase II investigation, evaluation and Report<sup>3</sup>. The Phase II Report forms the basis of the repair scope of services presented below.

The top of Bulloughs Pond Dam embankment is asphalt-paved Dexter Road with a bridge over the spillway. The upstream and downstream slopes are grassed and heavily vegetated with woody brush and trees. The embankment slopes are inclined at approximately 2 horizontal to 1 vertical (2H:1V) on both the upstream and downstream sides, with locally steeper upstream slopes where scarping has occurred near the normal pool level. There is an apparent roadway drain pipe outlet on the downstream embankment and another apparent drain outlet the right abutment downstream of the spillway. According to historic drawings provided by the City, a concrete core wall is present along the length of the dam embankment. The core wall was probed during the Phase II investigations.

The water level in Bulloughs Pond is maintained via an uncontrolled 35-foot-long spillway located upstream of the Dexter Road bridge. An additional downstream weir is located below

<sup>1</sup> "Bulloughs Pond Dam Emergency Action Plan," prepared by GZA, dated May 22, 2020

<sup>2</sup> 302 CMR 10.00 as amended by Chapter 330 of the Acts of 2002

<sup>3</sup> "Phase II Engineering Evaluation & Alternatives Analysis" prepared by GZA, dated May 22, 2020



the bridge. Low flows can be passed via two gated 24-inch diameter cast iron low-level outlet pipes located toward the left (west) end of the embankment. The gates valves are located in a vault in the upstream slope and are reportedly exercised by City personnel on a yearly basis.

Based on prior inspections by others, the dam was judged to be in overall Poor condition. In response to the Poor condition rating, the Massachusetts Department of Conservation and Recreation, Office of Dam Safety (DCR or ODS) issued a Certificate of Non-Compliance and Dam Safety Order dated July 16, 2018. The DCR Order required the City to complete follow-up inspections at six-month intervals, a Phase II Inspection and Investigation (Phase II evaluation), and rehabilitate the dam to bring it into compliance with current dam safety regulations.

Our Phase II evaluation confirmed the condition of the dam and identified the following specific deficiencies, which were generally consistent with previous inspections:

- Inadequate minimum freeboard during the SDF and the potential for embankment overtopping.
- Inadequate calculated factors of safety for embankment seepage stability and slope stability.
- Unwanted vegetation in areas of the dam including large trees along the downstream slope.
- Scarping along the upstream slope and bare soils prone to erosion along the downstream slope.
- Deterioration/potentially unstable headwall at the downstream end of the low-level outlet.
- Areas of scour along the downstream channel including at the low-level outlet headwall and along the left and right banks.
- Mortar missing from some of the spillway training wall joints.

Bulloughs Pond Dam is currently classified by DCR as a Significant Hazard structure. Results of the dam breach analysis completed as part of the EAP suggest that the dam could be reclassified by DCR as a High Hazard Potential structure due to homes located within the inundation area. If DCR re-classifies Bulloughs Pond Dam as a High Hazard structure, the regulatory basis for the Spillway Design Flood (SDF) will increase from a 100-year storm to one-half of the Probable Maximum Flood ( $\frac{1}{2}$  PMF). Accordingly, the scope of services presented below includes consideration of the SDF consistent with a High Hazard rating. This will require additional hydrologic and hydraulic (H&H) analyses during final design and will likely result in similar, but more robust overtopping protection as described below.

Our Phase II report presented several alternatives to repair the above deficiencies and bring the dam into compliance with current dam safety regulations. The preferred alternative (Alternative 5) included protecting the embankment against overtopping during the SDF while mitigating potential erosion and scour failure of the embankment. Repairs associated with the preferred alternative generally include:

- Removal of trees and vegetation on the upstream and downstream slopes. Removal of all roots/root balls associated with trees and vegetation and backfilling resulting voids with compacted sand/gravel.
- Regrading and armoring of the upstream slope with riprap to increase slope stability and reduce erosion (scarping) along the normal water elevation.
- Flattening and armoring of the downstream slope to increase slope stability and provide erosion protection during an overtopping event. GZA will use the flow depths and velocities predicted by the additional H&H analyses to refine our recommendations regarding armoring methods described in the Phase II Report.



Improvements to the downstream slope will also include a purpose-designed mineral filter and seepage collection (i.e. pipes), if feasible based on elevations and potential drain pipe outfall locations.

- Upward extension of the core wall to help address seepage instability.
- Armoring of the downstream channel to mitigate erosion, including at the right groin, portions of the outlet channel, and along the toe of the downstream slope.
- Lining of the two low-level outlet pipes and replacement of the two existing 24-inch gate valves. It is assumed the two gates will be replaced 'in-kind.'
- Repointing of existing training walls and bridge abutment walls.

Additional engineering investigations and analyses are necessary to confirm and finalize elements of the design such as required grading, hydrology and hydraulics for the appropriate SDF, overtopping protection materials and details, seepage filter materials and configuration, discharge channel armoring, Low-level outlet (LLO) improvements including gate replacement and pipe lining, and repairs to the concrete and stone masonry components of the dam. Final design will include considerations such as construction site access and staging areas at the site. Alteration, evaluation, or replacement of the Dexter Road spillway bridge is not included in our scope of services below. Permitting requirements will be verified and permit applications will be prepared and submitted on behalf of the City as described in the following Scope of Services. Items we will need from the City are noted in ***bold italics***, below.

## SCOPE OF SERVICES

GZA proposes the scope of services described below to address the above deficiencies and help bring the dam into better compliance with current dam safety regulations. The proposed scope includes permitting, final design, preparation of bid documents, and bidding assistance. We can provide a proposal (or amendment) for engineering services during construction once the elements of the design are better defined during final design.

### TASK 1 – PROJECT KICK OFF MEETING

Upon notice to proceed, GZA will meet with City Engineering staff at a kick-off meeting to discuss various technical and project management issues, including the following:

- Review existing data, dam operations, and site constraints that may impact the proposed design and construction including site access, construction staging, utilities, road closures, adjacent properties, etc.
- Obtain any additional existing information (including design drawings, operational information, subsurface information, observations, etc.) available in the City archives not already provided as part of the Phase II evaluation.
- Review the proposed conceptual design, design objectives, and engineering methodologies.
- Discuss operational issues associated with the current LLO gate operation and potential for gate upgrade or replacement. Discussion of gate vault dewatering and entry protocols and need for Confined Space Entry (CSE) Permits will be included.
- Discuss City's bathymetric survey methods and results and the need for additional sediment probes and sampling on upstream slope and near low-level outlet as discussed in Task 3 below.



- Considerations and approach to dewatering. Discuss desired construction phase pond levels and need for temporary cofferdam. Please note that pond levels during construction will have significant impacts on environmental permitting as discussed below.
- Provide overview of project schedule (i.e. key milestones, timing of deliverables, advertising and construction notice to proceed, etc.).
- Final bid document formats and contents.
- Public outreach efforts (see public outreach subtask in Environmental Permitting section below).
- Project liaison, project administration, invoicing procedures, etc.

As part of this Task, we will make a brief visit to the dam site with City personnel to observe current conditions and discuss the various deficiencies, associated rehabilitation design concepts, and site access and staging areas for construction. *We assume that the City will provide the location of above- and below-ground utilities, City-owned property boundaries (and easements) at and adjacent to the site to support the final design effort in AutoCAD format.* This is particularly important for the property boundary at the right abutment where erosion protection will be installed at or near the property boundary.

#### **TASK 2 – RESPONSE TO ODS PHASE II COMMENTS**

ODS issued comments to the Phase II Report on July 9, 2020. The comments were characterized by ODS as “minor,” however we recommend the comments be addressed prior to proceeding with final design. We will issue email responses to ODS and submit a revised Phase II Report as necessary.

#### **TASK 3 – ADDITIONAL FIELD INVESTIGATIONS AND LABORATORY TESTING**

Prior to our field activities, GZA will prepare a site-specific health and safety plan (HASP) for our employees’ use in the field. Our HASP will include procedures per the Commonwealth of Massachusetts COVID-19 guidelines and procedures for all construction sites and workers at all public work<sup>4</sup> and a CSE permit, if necessary.

GZA will conduct the following site visits and investigations to support final design efforts:

- One half-day site visit to complete additional (hand-excavated) subsurface investigations to explore the thickness of topsoil in areas to be stripped during construction and to obtain samples to support the downstream slope filter design. Up to three samples will be obtained from proposed filter areas and submitted to a geotechnical testing laboratory for particle gradation (sieve) analyses.
- Probes for soft sediment thickness in upstream areas to support design of upstream slope improvements and evaluation of dewatering options. We anticipate up to five probes at three cross-sections (15 probes total) will be taken by boat access in a one-day site visit. Boat insertion will be at the eastern shore of the pond off Bullough Park. If the boat has been in the water in the 2 weeks prior to usage at Bulloughs Pond, we will power wash to mitigate potential import of Zebra Mussels. To comply with health and safety requirements for in-water work near a potentially active spillway, we require that you lower the pond below the spillway crest prior to our probing.

<sup>4</sup> <https://www.mass.gov/covid-19-guidelines-and-procedures-for-all-construction-sites-and-workers-at-all-public-work> as of April 16, 2020



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- Sediment samples to support soil/sediment management for work on the upstream slope. Three samples will be collected during the sediment probes described above. The sediment will be sampled with a hand auger or by driving a 2-inch inner-diameter clear Lexan tube into the pond bottom until refusal or to the depth practicable.

The samples will be submitted for sieve/grain size and environmental chemistry analyses. The sieve analyses will result in a graphical representation of the grain size distribution of all material encountered with the sampler that is larger than a No. 200 sieve and smaller than about 2-inch size.

The sediment samples collected will also be analyzed for quality as required under 314 CMR 9.07 for the submission of a 401 Water Quality Certificate (WQC) permit application. The sediment testing will also include the following analyses:

- The following metals: Arsenic, Cadmium, Total Chromium, Chromium V, Copper, Lead, Mercury, Nickel, Zinc,
- Extractable Petroleum Hydrocarbons (EPH),
- Volatile Organic Compounds (VOCs),
- Polycyclic Aromatic Hydrocarbons (PAHs),
- Polychlorinated Biphenyls (PCBs),
- Pesticides 8081,
- Total Petroleum Hydrocarbons (TPH) 8100,
- Total Organic Carbon (TOC),
- Percent Water.

Additional testing may be required if the concentrations of metals or organic compounds are equal to or greater than the theoretical concentration at which Toxicity Characteristic Leaching Procedure (TCLP) criteria may be exceeded. Additional TCLP testing, if required, has not been included in the project budget.

- GZA will engage a specialty subcontractor to perform a video inspection of the existing LLO discharge pipes downstream of the gates. Portions of the pipes upstream of the gates will not be inspected. Results of the LLO pipe surveys will be used to develop the relining and valve replacement/rehabilitation designs and to reduce the potential for unanticipated conditions and associated delays and change orders during construction. We assume the video inspection(s) can be completed in one day.
- One site visit to observe the existing condition and configuration of the existing LLO gate valves. ***We will need the City to pump out the valve chambers and access the chambers to document existing conditions and obtain any required measurements under their existing gate vault entry protocols.***

The City completed wetland resource flagging and topographic and bathymetric survey as part of the Phase II evaluation. ***We assume that, if required, the City will reflag wetland resource areas as needed and complete additional topographic and bathymetric survey as required to support final design and permitting. We will also need the City to provide a property line survey for final design as described in Task 1 above. We assume that traffic impact studies and construction zone traffic safety plans are not required for permitting, design, or construction.***

#### **TASK 4 – ADDITIONAL ENGINEERING ANALYSES, DESIGN COMPUTATIONS AND DESIGN REPORT**

GZA will complete additional engineering analyses to support final design and preparation of design drawings and specifications for dam rehabilitation as follows:

- Revised Hydrologic and Hydraulic (H&H) analyses will be performed to consider the ½ PMF spillway design flood (SDF) to accommodate potential future reclassification as a High Hazard Potential structure by DCR. This is



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intended to allow the final design to accommodate potential hazard reclassification and corresponding increase in SDF overtopping flow depth and velocity. We assume that modifications to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) will not be required since the hydraulic capacity of the existing spillway will not be altered. Our scope of services does not include FIRM map modifications.

- Slope stability and seepage analyses to confirm the final design geometry and physical requirements of the proposed embankment cross-section including slope inclinations, filter/drain configuration, and core wall extension.
- Final selection and sizing of the selected armoring alternative. As part of this sub-task, we will develop alternatives for the current 100-year SDF and the potential future ½ PMF, along with conceptual premium pricing to help the City select a technically feasible and financially appropriate armoring alternative.
- The above analyses will be documented in a design report that will be submitted with the permit applications as described below.

#### **TASK 5 – FINAL DESIGN AND DEVELOPMENT OF PLANS AND SPECIFICATIONS**

GZA will design embankment improvements and repairs to the LLO and training walls including overtopping and slope protection, grading and drainage features for the downstream slope, LLO improvements including relining and gate replacement or rehabilitation, and other civil design elements of the project as generally discussed in the Phase II Report and Task 1 project kickoff. We will prepare draft (approximately 75 percent level) design plans, technical specifications, and an updated opinion of probable construction costs for the proposed dam rehabilitation for review by the City. We have assumed that the City will prepare up-front boilerplate (e.g. bid instructions, agreement, insurance and bonding requirements) and that GZA will provide technical specification sections. We anticipate developing bidder qualification requirements to be integrated with the City's up-front bid instructions. The intent of the bidder qualification requirements will be to solicit bids from Contractors that are experienced, qualified, and have successfully completed similar dam rehabilitation projects.

We anticipate the drawings will include the following sheets:

1. Title/Cover Sheet;
2. General Notes and Legend;
3. Existing Conditions Plan and Resource Area Delineation;
4. Sediment, Erosion, and Water Control Plan;
5. Site Temporary Access and Staging Areas;
6. Final Conditions & Grading Plan;
7. Typical Cross Sections of Embankment Modifications;
8. LLO repairs including pipe lining and gate replacement; and
9. General Details including miscellaneous stone masonry repairs.

Following input from City, GZA will finalize the 75% design plans and technical specifications for permit filing and bidding. The design report included in Task 4, above, and the final drawings and technical specifications prepared under Task 5 will serve as the primary document for submission with the Chapter 253 permit application package.

At the 75 and 100 percent stages, GZA will also provide an engineer's estimates for proposed construction costs. GZA's cost estimates will be based on our quantity take-offs and on unit prices based on recent experience with other dam





rehabilitation projects, published MassDOT Bid tabulations, and general cost estimating guidance. GZA assumes this project will be bid under MGL Ch. 30 § 39M.

GZA will develop specifications suitable for bidding and construction purposes for the rehabilitation of the dam. GZA will prepare technical specifications for the project to describe the work and the basis of measurement and payment for individual pay items. Two (2) hard copies of the final contract plans and technical specifications will be stamped and signed by a Professional Engineer licensed in the Commonwealth of Massachusetts. GZA will provide the City with electronic versions of the final plans and technical specifications for inclusion in the City-prepared contract document package.

*Deliverables:*

- Design Report (.pdf versions).
- Draft Technical Specifications and Drawings (.pdf version).
- Final Technical Specifications and Drawings (2 hard copies + .pdf version).
- Engineers Cost Estimate at 75 and 100 percent (.pdf versions).

#### **TASK 6 – OPERATIONS AND MAINTENANCE (O&M) PLAN**

GZA will prepare an Operation and Maintenance (O&M) plan for future dam operation. The O&M plan will indicate routine maintenance items including measures to control vegetation on the dam, recommended observations for seepage, erosion and other indicators of stability problems with the embankment portions of the dam, recommended instrumentation (if applicable), and LLO operation and maintenance recommendations. An O&M plan will be required as part of the Chapter 253 Dam Safety Permit described below.

#### **TASK 7 – ENVIRONMENTAL PERMITTING ASSISTANCE**

GZA will prepare permit applications and supporting documents on behalf of the City for required construction permits for Bullough Pond Dam. ***We anticipate that the City will provide property information (book and page) for the site. We also assume that the City will provide any field assessments (i.e., additional wetland delineation or wildlife assessments) required for permit submission not included in Task 3, above.***

We anticipate the following permits will be required for rehabilitation of Bulloughs Pond Dam:

- Wetland Protection Act (WPA) Notice of Intent (Newton Conservation Commission / MADEP<sup>5</sup>) – GZA will prepare a Notice of Intent (NOI) requesting a full Order of Conditions (OOC) authorizing the rehabilitation of the Dam under the WPA and City Wetland Bylaws.. The NOI will discuss impacts to resource areas. The application will be filed with the City of Newton Conservation Commission. “Limited project status” will be sought. GZA will attend one site visit and up to two virtual public hearings with the Conservation Commission to discuss the permit application. Additional meetings with the Conservation Commission may be required but are outside this scope of services. For budgeting purposes, GZA has assumed that, following submittal of the Draft NOI to the City, GZA will need to respond to one round of comments.
- Chapter 253 Dam Safety Repair Permit (Office of Dam Safety) – GZA will prepare and submit an application for repair of the dam to ODS. The finalized design report, drawings, technical specifications, and O&M plan will be used to support this permit application.

<sup>5</sup> Massachusetts Department of Environmental Protection (MADEP or DEP)



- Project Notification Form (Massachusetts Historical Commission) – Because the project will require a state permit (Chapter 253), a Project Notification Form (PNF) will need to be filed with the Massachusetts Historic Commission (MHC) in accordance with 950 CMR 71.00. GZA will prepare and submit the PNF. We will report any historic information which is available from GZA and City files, but will not do any additional historical research. GZA's role will be to complete the form in the proper format, provide maps, photos, and figures, and reproduce the documentation. We have assumed that no additional historical documentation or mitigation will be necessary.
- Chapter 91 Waterways Office Notification Letter (MassDEP) – GZA has preliminarily reviewed the project in reference to Massachusetts Waterways Regulations. It is our opinion that any proposed activities at the dam do not require a Chapter 91 license or permit, as per the provisions contained 310 CMR 9.05(3)(g)(4) of the Chapter 91 regulations. Rehabilitation of the upstream slope of the dam is anticipated to be generally within the current footprint and will not adversely affect navigation. However, it is noted that this structure is unlikely to have been licensed in the past and the DEP may take this opportunity to request the City obtain a license. At this stage, GZA proposes to only to prepare and submit a notification letter or Chapter 91 Request for Determination of Applicability (RDA) to the DEP Waterways office. For budgeting purposes, GZA has assumed that, following submittal of the Draft Notification Letter or RDA to the City, GZA will need to respond to one round of comments from the City. GZA assumes up to one virtual meeting with Chapter 91 Waterways staff to discuss the project.
- Section 401 Water Quality Certification (MassDEP) – MassDEP may require a Water Quality Certification (WQC) for dredging below the water table or within wetlands. At this time, we anticipate some minor dredging along the upstream face of the dam will be needed to facilitate placement of protective riprap. Additionally, minor dredging activities may be needed along portions of the embankment toe and discharge channel to place protective riprap and/or other armoring materials. We will consult with the MassDEP as to whether a Section 401 permit is required for this work, but we currently believe that the OOC will serve as our WQC. GZA assumes one virtual meeting with MassDEP as part of this effort. In addition, GZA will request a waiver of replacement of bordering vegetative wetlands lost, if any. If not, GZA will prepare and apply for either an Excavate/Fill Permit or a Dredge Permit. Our scope of work and fee do not currently include the preparation of an Excavate/Fill Permit.
- Section 404 Permit (US Army Corps of Engineers) –GZA anticipates that this project will require a Pre-Construction Notice (PCN) under Massachusetts General Permit Nos. 1 and 14. GZA will consult with the US Army Corps of Engineers (USACE) to confirm this opinion. GZA will prepare and submit a PCN Form under the applicable General Permits. For budgeting purposes, GZA has assumed that, following submittal of the Draft PCN to the City, GZA will need to respond to one round of comments. GZA assumes one virtual pre-application meeting with the USACE to discuss project activities and coordinate the application for appropriate Massachusetts General Permits.
- Massachusetts Environmental Policy Act (MEPA) approval – GZA does not currently anticipate that the dam rehabilitation project will exceed any MEPA thresholds for a mandatory Environmental Notification Form (ENF) and/or Environmental Impact Report (EIR). MEPA thresholds are exceeded when a state-level Permit is required for a project. Should a Chapter 91 license or a 401 Water Quality Certification from MassDEP be required, a MEPA ENF may be required. An ENF is likely to be required if the pond is significantly drawn down for construction. We therefore propose to coordinate with the MEPA office to ascertain MEPA jurisdiction of the proposed rehabilitation project. GZA assumes one virtual meeting to support this effort. If the City wishes, we could also request a formal Advisory Opinion from the MEPA office.



GZA's understanding of permitting requirements and scope are based on the following assumptions:

- The existing delineation of Wetlands Protection Act resource areas within the project limits by the Newton Conservation Agent are accepted as jurisdictional boundaries and will be used for impact assessment purposes. Information collected during the delineation, included data sheets, photographs and a written narrative describing each resource area assessed, will be provided to GZA for use in preparation of the NOI and USACE 404 PCN documents. No additional field studies will be required.
- Wetland replication will not be required.
- Field surveys for listed species including fish, turtles, benthos, or submerged aquatic vegetation will not be needed.
- All public hearings and coordination meetings will be conducted by video conferencing and will not require travel.
- A Chapter 91 Waterways License or Permit is not required for the proposed activities.
- An individual 401 Water Quality Certification is not required for the proposed activities.
- A MEPA ENF / EIR is not required for the proposed activities.
- The City will sign the permit applications and pay permitting and advertising fees. These fees have not been included in this budget.
- Permitting services do not include wetland construction monitoring or post-construction monitoring assessment and reporting.

*Deliverables:*

- Draft Permit applications (.pdf version of each permit).
- Final Permit applications (.pdf version of each permit for submittal to appropriate agencies).

**Public Outreach:** In our experience, public "buy-in" helps to smooth the permitting process. To help engage the public, we will prepare an informational package with preliminary designs for the City to distribute to local interest groups like the Bulloughs Pond Association (BPA) and to solicit public feedback. We have also budgeted for attendance at one meeting with the BPA (along with city representatives) to present the project.

#### **TASK 8 – BID PHASE ASSISTANCE**

GZA will assist the City in the bidding process by (1) attending a pre-bid meeting at the site; (2) considering bid-phase questions and issuing up to two Clarifications or Addendums; (3) tabulating the bids; (4) checking references of the apparent low bidder; (5) issuing an opinion memorandum regarding the responsiveness of the bidders and a recommendation regarding the acceptance of the apparent low bidder.

#### **TASK 9 – PROJECT MANAGEMENT**

This task will encompass GZA's efforts to manage the project, coordinate with City staff, and report on project progress to City management, including:

- *Project Management* – Review of schedule, deliverables, and budget.
- *Design Phase Project Meetings* - GZA has budgeted for our attendance at up to three (3) meetings with the City to review plans or discuss project progress, including at the conclusion of the investigatory phase.
- *Budget Management & Reporting* - GZA will regularly provide the City with updates on the project budget as part of monthly progress reports / invoices.



## TASK 10 – ADDITIONAL FOLLOW-UP INSPECTIONS

The July 2018 DCR Certificate of Non-Compliance and Dam Safety Order requires Follow-Up Inspections at a 6-month frequency until repairs are complete. The most recent Follow-Up Inspection was performed in April of 2020. Additional Follow-Up Inspections will be required by ODS at 6-month intervals. These inspections will be performed by a registered professional engineer experienced in dam engineering. For budgeting purposes, we have assumed four additional Follow-Up Inspections will be required at 6-month intervals. Please note that depending on the design, permitting and construction durations, additional Follow-Up Inspections may be necessary.

## BASIS OF BILLINGS

Billings will be based on actual accrued time and material basis in accordance with the attached **Schedule of Fees**. The Schedule of Fees is based on a 3 percent escalation from the fees contained in our 2018 Agreement. Estimated budgets, by task, for the Scope of Services described above are as follows:

Estimated Budget Summary

TASK #	TASK DESCRIPTION	ESTIMATED BUDGET
1	Project Kick Off Meeting and Review of Existing Information	\$2,000
2	Response to ODS Phase II Comments	\$500
3	Additional Field Investigations and Laboratory Testing	
	Planning/Health & Safety	\$1,000
	GZA Equipment/Labor Sediment Probes/Test Pits/LLO Vault (2 days)	\$2,700
	Low-Level Outlet ROV Inspection (1 Day)	
	Subcontracted ROV Crew/Equipment	\$5,300
	GZA Oversight	\$1,000
	Subcontracted Analytical & Geotechnical Laboratory Testing	\$4,700
4	Additional Engineering Analyses, Design Computations and Design Report	\$17,100
5	Final Design and Development of Plans and Specifications	
	Draft (75%) Plans, Specifications and Cost Estimate	\$24,800
	Final (100%) Plans, Specifications and Cost Estimate	\$7,600
6	Operations and Maintenance (O&M) Plan	\$2,900
7	Environmental Permitting Assistance	\$29,800
	BPA Public Outreach/Info Package/Meeting	\$6,300
8	Bid Phase Assistance	\$4,000
9	Project Management	\$8,700
10	Additional Follow-Up Inspections	\$6,200
	<b>Total Estimated Budget</b>	<b>\$124,600</b>



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Proposal for Rehabilitation of Bulloughs Pond Dam

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This estimate is based on the anticipated scope of work outlined above which represents our best judgment at this time as to the efforts required to achieve the stated objectives. It must be recognized, however, that unforeseen conditions may become evident during the course of the project which may alter or increase the scope of work required. Permitting scope changes are becoming increasingly common, with variations in how regulators and regulatory agencies interpret regulations and jurisdictions. Should the MEPA office claim jurisdiction, a project ENF may be required. Should the MassDEP Waterways office require a Chapter 91 License or Permit, or if the MassDEP Water Quality section require an individual 401 Water Quality Certificate GZA can complete these applications. We recommend including a budget contingency of \$20,000 for additional permit applications, if required.

## PROPOSED PROJECT SCHEDULE

We are prepared to work to the following schedule:

Late July 2020	Notice to Proceed
Early August 2020	Kick-off Meeting; Respond to ODS Phase II Comments
September 2020	Additional Field investigations
November 2020	Additional Engineering Analyses and Design Computations
February 2021	75% Design Plans Complete; Permit Applications Submitted
May 2021	Final Plans and Specification Complete
June 2021	Final Permits Applications Submitted

## CONDITIONS OF ENGAGEMENT

Our services will be performed in accordance with the Terms of our existing Agreement with the City ("Agreement for Engineering Services by and between the City of Newton, Massachusetts and GZA GeoEnvironmental Inc. for Engineering Services Phase II Dam Safety Engineering Evaluation Bulloughs Pond Dam", Contract L-6463, signed by GZA on November 12, 2018, and approved by the City of Newton December 10, 2018). That agreement, along with this Proposal, form our entire agreement. This proposal is valid for 90 days from issuance.

## ACCEPTANCE

This proposal may be accepted by signing in the appropriate spaces below and returning one complete copy (with attachment) to us. The executed agreement must be received prior to the initiation of the services described above. Issuance of a purchase order implicitly acknowledges acceptance of the above-mentioned contract terms.

*GZA is submitting this proposal with the belief that we will be able to fulfill the scope and schedule requirements during this COVID-19 Pandemic crisis. If performance is rendered impossible because of the impacts of COVID-19, GZA will notify you of that Force Majeure event.*



We look forward to the chance to assist you with this project. Please call us with any questions that you may have.

Sincerely,  
GZA GEOENVIRONMENTAL, INC.

*Laurie A. Gibeau*  
Laurie A. Gibeau, P.E.  
Project Manager

*Chad W. Cox*  
Chad W. Cox, P.E.  
Consultant/Reviewer

*Jonathan D. Andrews*  
Jonathan D. Andrews, P.E.  
Principal-in-Charge

Attachment: Schedule of Fees

This Contract for Services and the Terms and Conditions are hereby accepted and executed by a duly authorized signatory, who by execution hereof, warrants that he/she has full authority to act for, in the name, and on behalf of Client.

CITY OF NEWTON

By: \_\_\_\_\_ Title: \_\_\_\_\_

Typed Name: \_\_\_\_\_ Date: \_\_\_\_\_

P:\2021\01.P000330.21jda\Bulloughs Pond Rehab Design Proposal 21-330 7-24-2020 to City.docx



RUTHIANNE FULLER  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

367-20 367-20  
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TDD  
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E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

August 31, 2020

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$900,000 from Acct # 6000-3240 Water Fund Surplus – Available for Appropriation for the purpose of funding the rehabilitation of the Waban Hill Covered Reservoir (which should not be confused with the Waban Hill Reservoir park).

A list of items included in the project scope, existing photographs, and project plan drawings are attached.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED

2020 AUG 31 PM 12:42

CITY CLERK  
NEWTON, MA. 02459

City of Newton



## DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449Ruthanne Fuller  
Mayor

August 27, 2020

**To:** Maureen Lemieux, Chief Financial Officer

**From:** James McGonagle, Commissioner of Public Works  
Theodore J. Jerdee, Utilities Director  
Jack Cowell, Financial Director DPW

**Subject:** Request to Docket funding for the Rehabilitation of the Waban Hill Covered Reservoir.

**Brief Description:** I would request funding in the amount of \$900,000 for the rehabilitation of the city's 10.4 MG Waban Hill Covered Reservoir (WHCR), located at 166 Waban Hill Road North. The scope of work that is included in this project consists of the following:

1. Roofing improvements including:
  - i. Remove existing asphalt shingles. Furnish and install new asphalt shingles.
  - ii. Furnish and install ice & water shield within 6-feet of roof edge. Furnish and install new underlayment along remaining roof area.
  - iii. Furnish and install new flashing and trim boards including PVC fascia trim boards and vented vinyl soffit with insect screens.
  - iv. Remove and replace cupola. New cupola shall include insect and security screening.
  - v. Remove existing skylights. Furnish and install new skylights (4 total).
2. Remove four (4) 24" discharge gate valves along bottom of central core.
3. Remove all flanges.
4. Install new stainless-steel piping as shown on the Contract Drawings. Use existing piping as host pipe. Sleeve new piping inside existing piping into each cell with link seals.
5. Install four (4) new 24" butterfly valves.
6. Install conduit for wiring from discharge piping to PLC at doorway for CL2 monitors (Monitors to be furnished and installed by MWRA.). Includes allowance for City's SCADA integrator, Woodard & Curran, to wire and program at PLC.
7. Concrete surface repair (Approximately 100 square feet).
8. Sand blast exterior of all process piping.
9. Sand blasting, pit filler, pit welding, and plate welding interior and exterior of central core standpipe.
10. Paint exterior of all process piping.
11. Paint interior and exterior of central core standpipe.
12. Install fiberglass-reinforced plastic (FRP) or high-density cross-linked polyethylene (HDXLPE) covers on central core standpipe and overflow. Provide manway with bolted hatch on cover for central core standpipe for inspection. Provide screened vent on both covers.



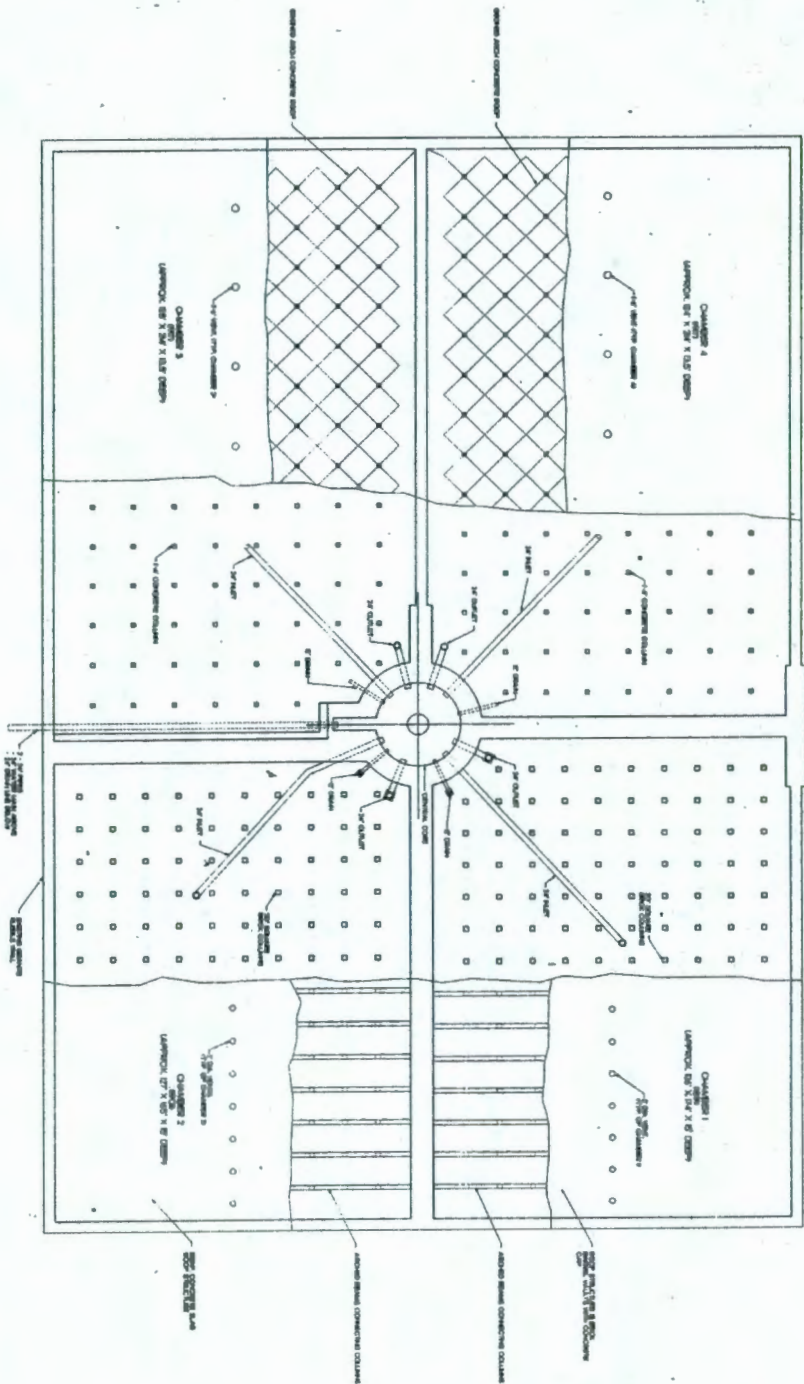
13. Inspect, tighten, or replace all light fixture brackets/supports.
14. Provide new LED light fixtures at all existing lighting locations.
15. Remove and replace entry door frame and door. New hardware including hinges, knobs, and deadbolts. All locks shall be keyed to City's existing locks. Incorporate existing door alarm.

Please docket this request with the Honorable City Council for their consideration.

Sincerely,

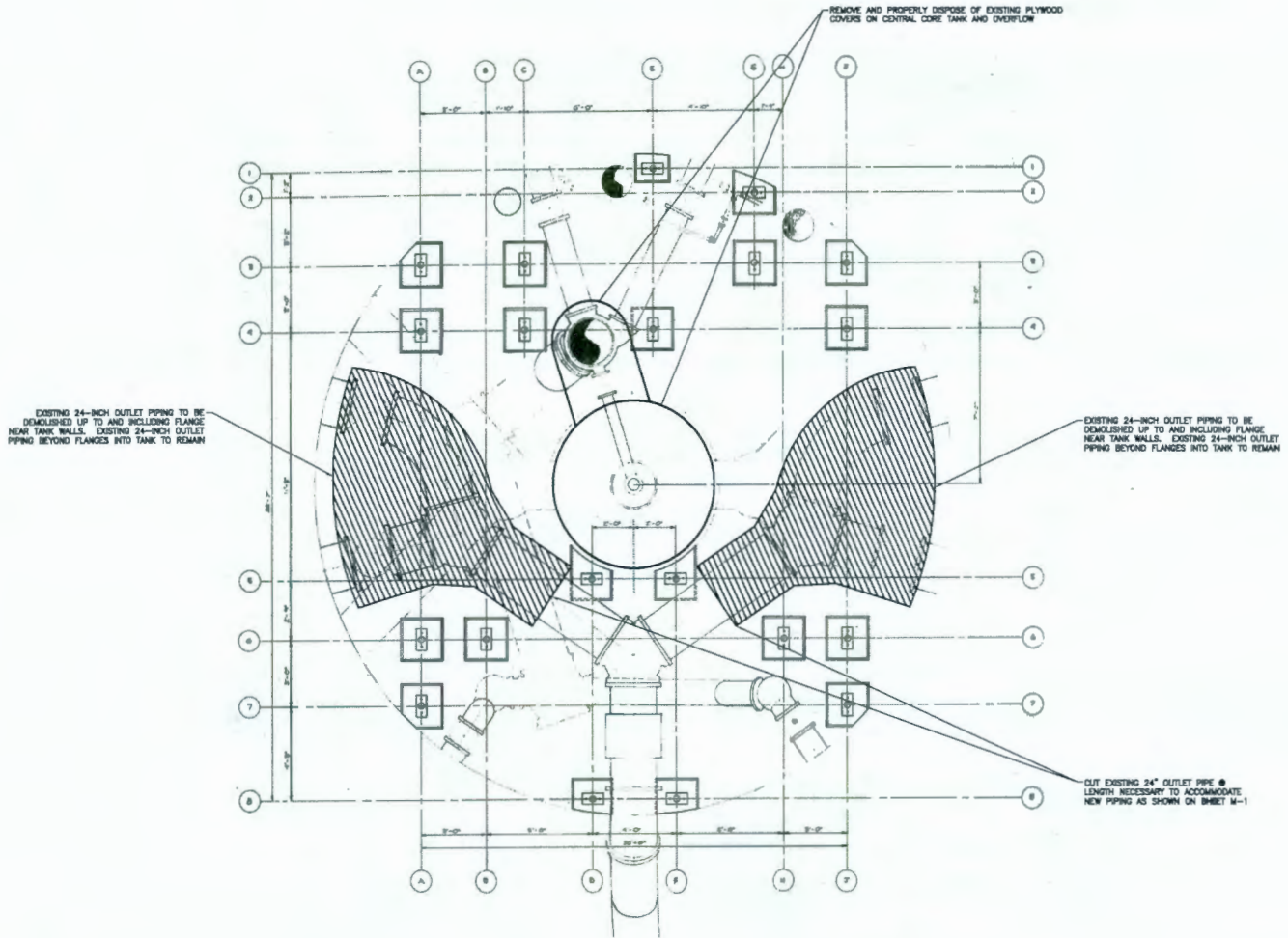
James McGonagle  
Commissioner Public Works

Attachment: Existing Photographs-WHCR  
(90% WHCR Plans)



EXISTING RESERVOIR LAYOUT AND PIPING PLAN  
SCALE: 1" = 30'

C-1	 <b>TATA &amp; HOWARD</b>	50% REVIEW SUBMITTAL	NOT FOR CONSTRUCTION		<b>EXISTING RESERVOIR LAYOUT AND PIPING PLAN</b>	<b>CITY OF NEWTON NEWTON, MASSACHUSETTS WABAN HILL RESERVOIR REHABILITATION</b>
		DATE: FEBRUARY 2020 SCALE: AS SHOWN	THE COMPANY IS THE PROPERTY OF TATA & HOWARD, INC. AND ITS CLIENTS. INFORMATION IS UNCLASSIFIED UNLESS INDICATED OTHERWISE.	Drawn By: M33    Checked By: P2P    Approved By: HLD		



**GENERAL DEMOLITION NOTES**

1. CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF ALL MATERIALS SCHEDULED TO BE DEMOLISHED.
2. ANY EXISTING PIPING AND/OR EQUIPMENT DAMAGED BY THE CONTRACTOR DURING DEMOLITION SHALL BE REPLACED BY THE CONTRACTOR AT NO COST TO THE OWNER.

**DEMOLITION PLAN**  
SCALE 3/8" = 1'-0"

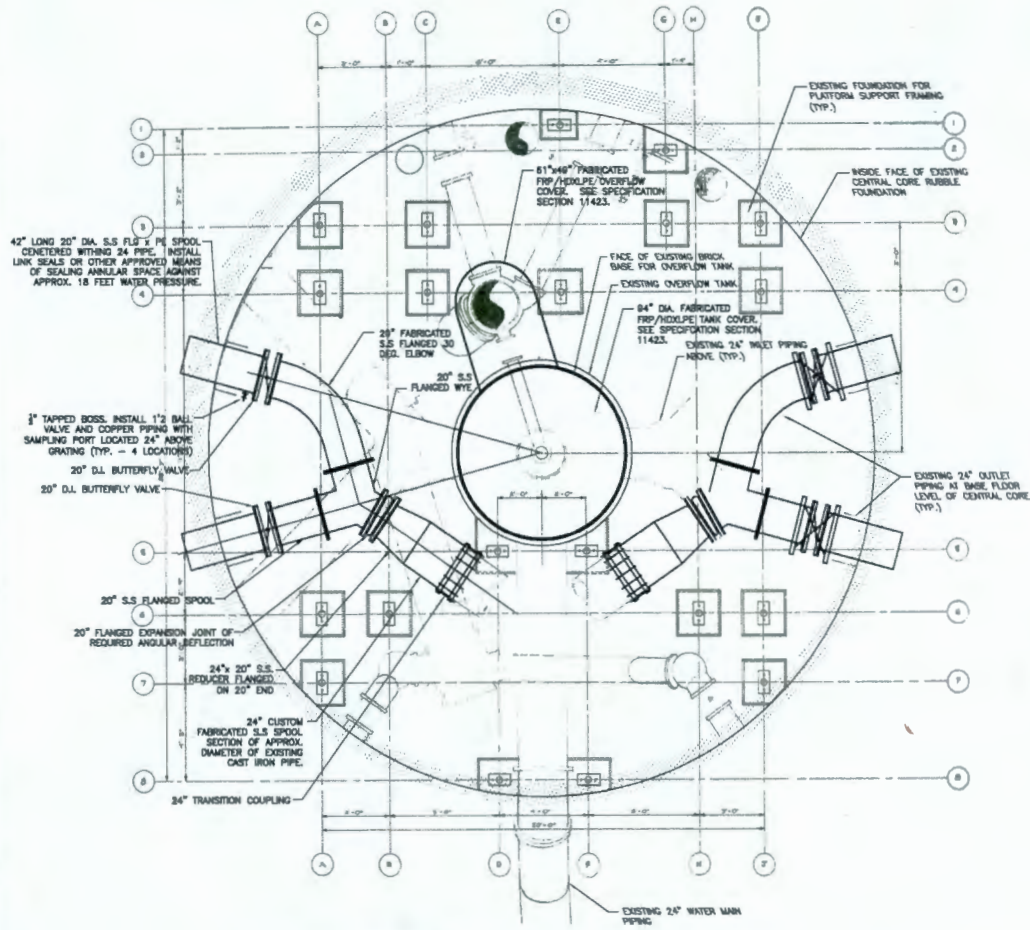


<p><b>CITY OF NEWTON</b> NEWTON, MASSACHUSETTS WABAN HILL RESERVOIR REHABILITATION</p>	<p><b>CENTRAL CORE</b> DEMOLITION PLAN</p>	<p>DATE: 02/20/2020 DRAWN BY: JLD CHECKED BY: JLD SCALE: AS NOTED</p>
<p>50% REVIEW SUBMITTAL NOT FOR CONSTRUCTION</p>		
<p><b>TATA &amp; HOWARD</b></p>		
<p>TANK NO. 4089 DATE: FEBRUARY 2020 SCALE: AS NOTED</p>		
<p>D-1</p>		


50% REVIEW  
SUBMITTAL  
NOT FOR  
CONSTRUCTION

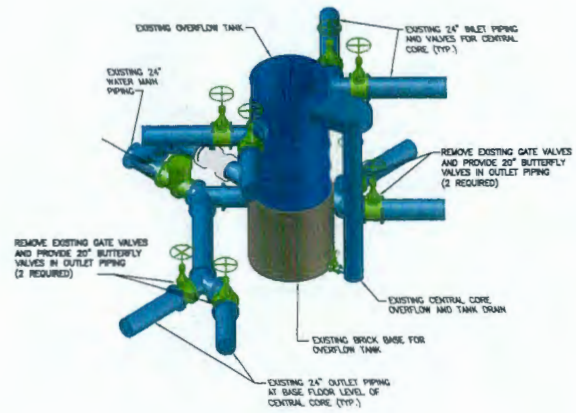


T&H NO. 4099  
DATE: FEBRUARY 2020  
SCALE: AS NOTED



- EXISTING CAST IRON PIPING DATES BACK TO APPROXIMATELY 1900. PIPE DIAMETERS AND FITTINGS DO NOT CORRELATE WITH CURRENT CAST/DUCTILE IRON STANDARDS.
- THE EXISTING PIPING BASE PLAN WAS COPIED FROM EARLY DESIGN DRAWINGS AND MAY NOT REFLECT AS-BUILT CONDITIONS. THEREFORE, THE NEW PIPING CONFIGURATION AS PORTRAYED MAY NOT BE INDICATIVE OF WHAT IS REQUIRED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL FIELD DIMENSIONS PRIOR TO PIPE FABRICATION. BUTTERFLY VALVES SHALL BE INSTALLED IN THE APPROXIMATE SAME LOCATION AS THE EXISTING GATE VALVES TO ALLOW VALVE OPERATION FROM THE ELEVATED PLATFORMS.
- THE EXISTING 24" WALL PIPES SHALL BE USED AS SLEEVES FOR THE INSTALLATION OF THE 20" S.S. PIPING, AND THE ANGULAR SPACE SEALED WATER-TIGHT. THE FLANGE SHALL BE CUT AWAY AND THE PIPE EDGES GROUND SMOOTH.
- CONTRACTOR SHALL PROVIDE CONCRETE PIPE SUPPORTS/SADDLES AS PER DRAWINGS AND AS MAY BE REQUIRED.

**PROCESS PIPING PLAN**  
SCALE: 3/8" = 1'-0"



**CENTRAL CORE PIPING ISOMETRIC**  
NOT TO SCALE

- REHABILITATION NOTES:**
- ALL INTERIOR PIPING SHALL BE SAND BLASTED AND PAINTED. COLORS TO BE CHOSEN BY OWNER. SEE SPECIFICATIONS SECTIONS 0980 AND 0900.
  - SAND BLASTING, PIT FILLER, PIT WELDING, AND PLATE WELDING SHALL BE PERFORMED ALONG INTERIOR AND EXTERIOR OF CENTRAL CORE STANDPIPE. PAINT INTERIOR AND EXTERIOR OF CENTRAL CORE STANDPIPE. COLORS TO BE CHOSEN BY OWNER. SEE SPECIFICATIONS SECTIONS 0980 AND 0900.
  - FRP/HUDOLPE TANK AND OVERFLOW COVERS SHALL HAVE SCREEN VENTS. FRP/HUDOLPE TANK COVER SHALL HAVE 24" DIA. MANWAY WITH BOLTED COVER FOR INSPECTION OF CENTRAL CORE STANDPIPE. SEE SPECIFICATION SECTION 11423.
  - INSPECT, TIGHTEN, AND/OR REPLACE LIGHT FIXTURE BRACKETS/SUPPORTS AS REQUIRED. PROVIDE TEN (10) NEW LED LAMPS AT ALL EXISTING LIGHTING LOCATIONS. SEE SPECIFICATION SECTION 18000. SEE LIGHTING SCHEDULE THIS SHEET.

QTY	DESCRIPTION	LUMENS
10	PHILIPS P830 LED 120V 11W 3000K LAMPS	900











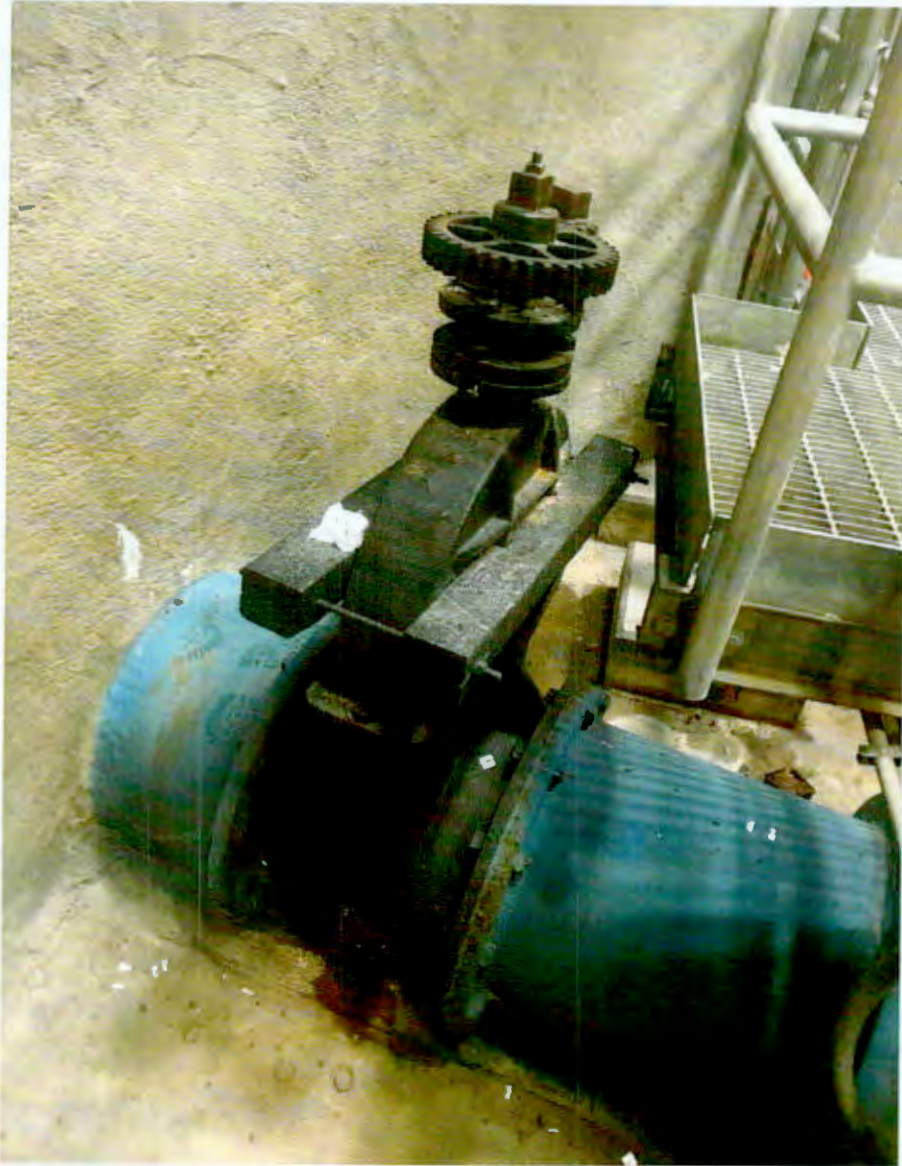














RUTHANNE FULLER  
MAYOR

# City of Newton, Massachusetts

Office of the Mayor

2020 AUG 31 PM 12:41

CITY CLERK  
NEWTON, MA. 02459

**359-20**

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August 31, 2020

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to improve the traffic, pedestrian and bicycle safety at several intersections on Allen and Beethoven Avenues near the Zervas Elementary School Pin addition to slowing vehicle speeds in the neighborhood around the Zervas School.

These projects which include raised tables, accessible curb ramps, enhanced pedestrian visibility, and traffic calming will be funded through the Zervas School Project Funds dedicated to off-site improvements and Traffic Calming Funds within the DPW Budget.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

City of Newton



## DEPARTMENT OF PUBLIC WORKS

Transportation Division  
 110 Crafts Street  
 Newton, MA 02460

Ruthanne Fuller  
 Mayor

To: Jonathan Yeo, Chief Operating Officer  
 Maureen Lemieux, Chief Financial Officer

From: Jim McGonagle, Commissioner of Public Works

Subject: Changes in Traffic Flow at Intersections

Date: August 27, 2020

---

Department of Public Works proposes changes in traffic flow at certain intersections, as part of the Traffic Calming program and Roads program. The following intersections are proposed to be modified to improve pedestrian and bicycle safety in addition to slowing vehicle speeds around the Zervas School. These projects will be funded through the Zervas School Project Funds dedicated to off-site improvements and Traffic Calming Funds within the DPW Budget.

Intersection improvements will provide the following safety improvements:

Allen Avenue at Pine Ridge Road

- Reconstruct accessible curb ramps
- Allows safe pedestrian crossing of Allen Avenue, with new crosswalk
- Enhances pedestrian visibility for crossing Allen Avenue
- Slows vehicular traffic in narrowing roadway width through area of proposed crossing across Allen Avenue

Allen Avenue at Plainfield Street

- Reconstruct accessible curb ramps
- Allows safe pedestrian crossing of Allen Avenue, with new crosswalk
- Enhances pedestrian visibility for crossing Allen Avenue
- Slows vehicular traffic in narrowing roadway width through area of proposed crossing across Allen Avenue

Beethoven Avenue at Puritan Road

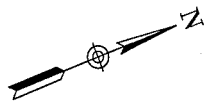
- Reconstruct intersection as a "raised table" intersection
- Allows safe pedestrian crossing of Beethoven Avenue
- Slows vehicular traffic entering the intersection by way of vertical deflection

Concept sketches of the proposed intersection improvements are attached. Final design plans are being developed. The anticipated construction schedule for intersection improvements is the 2020 construction season.

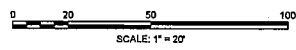
Jim McGonagle  
 Commissioner

Telephone: (617) 796-1009 • Fax: (617) 796-1050 • [jmcgonagle@newtonma.gov](mailto:jmcgonagle@newtonma.gov)





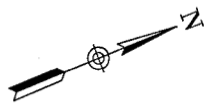
NOTE: 1. MAINTAIN A ROADWAY WIDTH OF 22 FEET.



CITY OF NEWTON  
 MASSACHUSETTS  
 CONCEPT PLAN  
 FOR THE  
 TRAFFIC CALMING PROPOSAL  
 ON  
 ALLEN AVENUE AND BEETHOVEN AVENUE  
 PAGE 01 OF 02 JASON SOBEL, P.E., P.T.O.E. DATE: 1/29/20

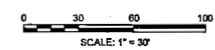
CITY OF NEWTON  
MASSACHUSETTS

DESIGNED BY: JASON SOBEL, P.E., P.T.O.E.  
 CHECKED BY: JASON SOBEL, P.E., P.T.O.E.  
 APPROVED BY: \_\_\_\_\_



CITY OF NEWTON  
MASSACHUSETTS

DESIGNED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
SURVEYED BY: \_\_\_\_\_  
BASE MAP DONATED BY: \_\_\_\_\_



CITY OF NEWTON  
MASSACHUSETTS  
CONCEPT PLAN  
FOR THE  
TRAFFIC CALMING PROPOSAL  
ON  
ALLEN AVENUE AND BEETHOVEN AVENUE  
PAGE 02 OF 02 JASON SOBEL, P.E., P.T.O.E. DATE: 1/28/20



City of Newton, Massachusetts  
Office of the Mayor

RUTHANNE FULLER  
MAYOR

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August 31, 2020

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to grant a sewer easement at 47 Terrace Avenue and adjacent City property. The property owners have provided the necessary easement plan and the technical plans and drawings required by DPW. The Law Department will draft and record an easement instrument along with a Mylar plan after the grant has been approved. The City Council must ultimately authorize the granting of the easement. See attached letter and easement plan.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED

2020 AUG 31 PM 12:42

CITY CLERK  
NEWTON, MA. 02459

City of Newton



DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE COMMISSIONER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Ruthanne Fuller  
Mayor

August 27, 2020

To: Jonathan Yeo, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer

From: James McGonagle, Commissioner of Public Works

Subject: Request for Grant of Sewer Easement  
47 Terrace Avenue and Adjacent City Property

The owners of the property at 47 Terrace Avenue obtained approval from the city to install a sewer service line from the rear of their property, across city land, to the city's existing sewer main, in 2011. Their septic system had failed, and the connection was deemed important in order to avoid a public health issue. The Health Department had also provided support for the sewer connection through city property. The intent was for the owners to file for a request for a sewer easement across city property. Although the owners did submit a proposed easement plan (dated December 7, 2018), the petition was never filed with the city council for consideration.

Their option was to extend the existing city sewer main in Terrace Avenue toward the front of their property. The last manhole of the existing city sewer main in Terrace Avenue is shallow, and stops short of their property, due to the existence of bedrock ledge. Extending the public sewer main up Terrace Avenue to this property was deemed not feasible due the requirement to remove the ledge by blasting and/or rock hammering. Also, the proposed sewer extension would be too shallow, and would not have the proper slope.

On December 18, 1950, the City acquired the property adjacent to and behind 47 Terrace Ave by a tax taking. The land is not under the control of any particular department and thus is under the control of the Mayor in accordance with M.G.L. c. 40, Section 3. In order for the city to grant an easement to the owners of 47 Terrace Ave, the easement area must be declared available for disposition and go through the re-use process under Section 2-7 of the City Ordinances.

The declaration that the land is available for the disposition as an easement must technically come from the Mayor. However, since the Mayor's involvement is only by virtue of the land's status, and the purpose of the disposition is for an easement for a sewer connection, the DPW will work with the Mayor's office to initiate and work through the Section 2-7 process.

The property owners have provided the necessary easement plan and any technical plans and drawings required by DPW. The Law Department will draft and record an easement instrument along with a Mylar plan after the grant has been approved. The City Council must ultimately authorize the Mayor to grant the easement. See attached letter and easement plan.

At this time, it is my opinion that such granting of the sewer easement does not have a current or future service impact on the city's property.

All costs related to the sewer service connection have been borne by the homeowner, as this was a sewer service connection, not a sewer main extension.

cc: Alissa O. Guiliani, Law Department  
Andrew Lee, Law Department  
David Olsen, City Clerk  
Nadia Khan, Assistant City Clerk  
Shawna Sullivan, DPW Chief of Staff  
Louis M. Taverna. P.E., City Engineer

Attachment: Letter dated December 11, 2018  
Easement Plan dated December 7, 2018



STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
ADAM M. SCHECTER

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267  
TELEPHONE (617) 965-3500  
www.sab-law.com

E-Mail: fschwarzer@sab-law.com

December 11, 2018

**BY HAND**

Commissioner James McGonagle  
Department of Public Works  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459-1449

Re: Sewer Easement for 47 Terrace Avenue (the "Property")

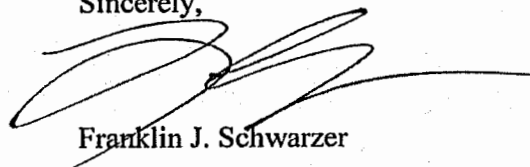
Dear Commissioner McGonagle,

Our office represents Neil Johnson and Anne Hulsing, the owners of the Property. In 2011, my clients obtained approval from the City to install a sewer line from the rear of their Property, across City land, to the Cochituate Aqueduct (the "work"). The Engineering Department permitted the work in 2011, but it does not appear that the easement plan for the work was approved by either the Public Facilities Committee or the City Council. In speaking with Lou Taverna about this matter, it appears that this was the result of an honest oversight by the City.

In order to correct this mistake, my clients are seeking an easement from the City to legalize the existing location of their sewer line. I have enclosed a copy of the sewer plan prepared by Verne T. Porter Jr. dated December 7, 2011 and its associated metes and bounds description. I would ask that you please review and approve the same, so that my clients might place this matter in front of the Public Facilities Committee at their next available hearing.

Thank you for your consideration.

Sincerely,



Franklin J. Schwarzer

Cc: Lou Taverna, City Engineer

### 20' Wide City of Newton Sewer Easement

As shown on City of Newton Sewer Easement Plan dated December 7, 2011 by Verne T. Porter Jr., PLS Land Surveyors – Civil Engineers, 354 Elliot Street, Newton, MA 02464 and recorded herewith, bounded and described as follows;

Beginning at a point at the intersection of the westerly rear corner of a Part of Lot A, 47 Terrace Avenue, and land now or formerly of Tristan B. and Andrew J. Binns,

thence running N 54-04-20 W 100.05 feet by land now or formerly of Tristan B. and Andrew J. Binns to a point on the Cochituate Aqueduct;

thence turning and running N 30-36-40 E 20.09 feet along the Cochituate Aqueduct to a point;

thence turning and running S 54-04-20 E 112.40 feet over the land of the City of Newton, Assessors Section 54, Block 30, Lot 17 to a point;

thence turning and running S 63-36-40 W 22.59 feet by Part of Lot A to the point of beginning.

Said 20' Wide Sewer Easement, containing 2,124 sf.

