



Zoning & Planning Committee

Agenda

City of Newton In City Council

Monday, July 26, 2021

7:00 p.m.

The Zoning & Planning Committee will hold this meeting as a virtual meeting on Monday, July 26, 2021 at 7:00 PM. To view this meeting using Zoom, use this link: <https://us02web.zoom.us/j/82136968355> or call 1-646-558-8656 and use the following Meeting ID: **82136968355**

Items Scheduled for Discussion:

#265-21 Appointment of Lee Breckenridge to the Planning and Development Board
HER HONOR THE MAYOR appointing Lee Breckenridge, 173 Berkeley Street, Newton, as an alternate member of the PLANNING AND DEVELOPMENT BOARD for a term to expire on February 1, 2026. (60 days: 09/10/21)

Referred to Zoning & Planning and Finance Committees

#281-21 CPC Recommendation to appropriate \$1,440,344 in CPA funding
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million four hundred forty thousand three hundred and forty-four dollars (\$1,440,344) in Community Preservation Act funds, with \$288,068.80 to come from the Open Space Prior Year Reserve (Act# 5840-3599) and \$1,152,275.20 to come from the Prior Year Undesignated Fund (Acct# 5800-3599), to the control of the Planning & Development Department for the implementation of the approved and permitted designs for Levingston Cove including the construction of new erosion controls, plantings, accessibility improvements and the installation of new public amenities including new pathways, benches and decks.

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 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 Zoning & Planning and Finance Committees

- #280-21** **CPC Recommendation to appropriate \$441,755.29 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of four hundred forty-one thousand seven hundred fifty-five dollars and twenty-nine cents (\$441,755.29) from the Community Preservation Act FY22 Historic Resource Reserve Fund Account to the control of the Planning & Development Department to provide the remaining recommended funding needed to complete the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.
- #252-21** **Appropriation of \$643,215 for the Newton Housing Authority**
DIRECTOR OF PLANNING & DEVELOPMENT requesting the appropriation of six hundred forty-three thousand two hundred and fifteen dollars (\$643,215) of Inclusionary Zoning funds to the Newton Housing Authority (NHA) to support the creation of 55 new units of affordable senior housing at the NHA's new Haywood House development.
- #438-20** **Request for creation of Trust in Newton to support affordable housing development**
COUNCILORS ALBRIGHT, CROSSLEY, HUMPHREY, DANBERG, MALAKIE, KELLEY, BOWMAN, KALIS, GREENBERG, DOWNS, WRIGHT, RYAN, NOEL, LEARY, LIPOF AND NORTON requesting the Planning Department analyze mechanisms already in use in other cities and towns, identify funding sources, and create a Housing Trust in Newton to facilitate and foster the development of affordable housing in Newton.
Zoning & Planning Held 11/09/2020, 03/22/2021
- #528-20** **Requesting review and possible amendment to Local Preference in Chapter 30**
COUNCILORS ALBRIGHT, NORTON, CROSSLEY, BOWMAN, NOEL, HUMPHREY, WRIGHT, LAREDO, KALIS, RYAN, LIPOF AND DANBERG requesting a review and possible amendment to the Local Preference Ordinance in Chapter 30 sections 5.11.8. This section requires an Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) for all Inclusionary Units which provides for a local preference for up to 70% of the Inclusionary Units. Various groups including The Fair Housing Committee and the Newton Housing Partnership have questioned whether the percent of local preference to current Newton residents should be lowered with the goal of increasing racial diversity in Newton.
Zoning & Planning Held 8-0 on 04/12/21
- #29-20(2)** **Review and possible amendment of Demolition Delay and Landmark Ordinances**
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

Zoning & Planning Approved as Amended 7-0-1 (Councilor Krintzman abstaining) on 05/19/2020

(1) Landmarking - Approved as Amended by Full Council on 06/22/2020

(2) Demolition Delay - Held in Committee 06/22/2020, 10/15/2020 and 02/22/21

Zoning & Planning Held 8-0 on 04/12/21, Public Hearing Continued

Zoning & Planning Held 8-0 on 06/28/21, Public Hearing Continued

Respectfully submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

Telephone #265-21
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

June 9, 2021

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

RECEIVED
2021 JUL -6 PM 3:20
CITY CLERK
NEWTON, MA. 02459

To the Honorable City Councilors:

I am pleased to appoint Lee Breckenridge of 173 Berkeley Street, Newton as an Alternate member of the Planning and Development Board. Her term of office shall expire on February 1, 2026 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Application Form

Profile

Lee _____ P _____ Breckenridge _____
 First Name Middle Initial Last Name

 Email Address

173 Berkeley St _____ Suite or Apt _____
 Home Address
 Newton _____ MA _____ 02465 _____
 City State Postal Code

What Ward do you live in?

Ward 3

 Primary Phone Alternate Phone

Northeastern University School of Law _____ Professor of Law Emerita _____
 Employer Job Title

Which Boards would you like to apply for?

Planning and Development Board: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am writing to express my interest in serving as an alternate member of the Planning and Development Board. I have been a resident of Newton since 1990, and I have followed with interest the city's initiatives in planning and zoning over the years. In my professional life, I have expertise in land use law, as well as state and federal environmental protection and natural resources management requirements. I recently retired from a tenured faculty position at Northeastern University School of Law, where I taught Land Use as well as courses in Environmental and Natural Resources Law. I have paid close attention to zoning reform initiatives, permit processes, affordable housing developments, transitions to alternative energy sources, and watershed restoration efforts in municipalities throughout the greater Boston metropolitan area, as I have supervised numerous student research and writing projects. I currently serve on the advisory boards of the Newton Conservators and the Charles River Watershed Association. I know that Newton's ongoing planning initiatives and zoning decisions will affect the quality of life and the landscape here for years to come. I hope that my experience in relevant areas of legal practice can contribute meaningfully to deliberations and recommendations by the Planning and Development Board.

Lee P Breckenridge

LEE P. BRECKENRIDGE

Professor of Law Emerita
 Northeastern University School of Law
 416 Huntington Ave., Boston, MA 02115

Home address: 173 Berkeley St.
 Newton, MA 02465

Professional Experience

Northeastern University School of Law
 Professor of Law Emerita, 2020 to present
 Professor of Law, 1996 to 2020
 Associate Dean for Academic Affairs, 2009-2011
 Associate Professor of Law, 1990 to 1996
 Adjunct Professor of Law, 1989

Teaching responsibilities and research focus in environmental and natural resources law, land use regulation, and administrative law. **Affiliate Professor of the School of Public Policy and Urban Affairs.** Faculty advisor and coordinator of the J.D./Master of Environmental Law and Policy (MELP) program of Northeastern University School of Law and Vermont Law School and the J.D./M.S. in Law and Public Policy program of Northeastern University School of Law and School of Public Policy and Urban Affairs. Faculty Affiliate, Northeastern University Global Resilience Institute (GRI). Member of affiliated faculty, Northeastern University School of Law, Program on Human Rights and the Global Economy (PHRGE). Faculty Associate, Business Sustainability Initiative, Northeastern University D'Amore-McKim School of Business. Member of affiliated faculty for the JD/MPH dual degree program of Northeastern University School of Law and Tufts University School of Medicine. Member of PhD Dissertation Committees, Law and Public Policy (LPP) Program (formerly Law, Policy and Society (LPS) Program) of the School of Public Policy and Urban Affairs.

Department of the Attorney General, Commonwealth of Massachusetts
 Chief, Environmental Protection Division, 1986-1990
 Assistant Attorney General, 1982-1990

Office of the Attorney General, State of Tennessee
 Assistant Attorney General, 1978-1982

U. S. Court of Appeals for the Sixth Circuit, Honorable Gilbert S. Merritt
 Law Clerk, 1977-1978

U. S. Environmental Protection Agency, Office of General Counsel, Water Division
 Attorney-Advisor, 1976-1977

Education

Harvard Law School, J.D. 1976

Yale University, B.A., summa cum laude, 1973

Selected Publications

“Ecosystems, Legal Systems, and Governance: An Institutional Perspective,” in A RESEARCH AGENDA FOR ENVIRONMENTAL ECONOMICS, (Matthias Ruth ed., Edward Elgar 2020)

State Survey: Massachusetts, 4 WATERS AND WATER RIGHTS (Amy K. Kelley, ed., 3rd ed., LexisNexis/Matthew Bender 2020) (available online [4 Waters and Water Rights.syn \(2020\)](#))

Water Management for Smart Cities: Implications of Advances in Real-Time Sensing, Information Processing, and Algorithmic Controls, 7 GEO. WASH. J. ENERGY & ENVTL. L. 153 (2016)

Green Infrastructure in Cities: Expanding Mandates under Federal Law, Trends, ABA Section of Environment, Energy, and Resources Newsletter (Vol. 45, No. 6, July/August 2014)

Ecosystem Resilience and Institutional Change: The Evolving Role of Public Water Suppliers, in CITIES OF THE FUTURE: TOWARDS INTEGRATED SUSTAINABLE WATER AND LANDSCAPE MANAGEMENT (Vladimir Novotny & Paul Brown eds., 2007).

Special Challenges of Transboundary Coordination in Restoring Freshwater Ecosystems, 19 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 13 (2006).

Maintaining Instream Flow and Protecting Aquatic Habitat: Promise and Perils on the Path to Regulated Riparianism, 106 W. VA. L. REV. 595 (2004).

Reweaving the Landscape: The Institutional Challenges of Ecosystem Management for Lands in Private Ownership, 19 VT. L. REV. 363 (1995)

Protection of Biological and Cultural Diversity: Emerging Recognition of Local Community Rights in Ecosystems under International Environmental Law, 59 TENN. L. REV. 735 (1992)

Recent Presentations (selected)

Law in Global Political Economy: Heterodoxy Now, conference of the Harvard Law School Institute for Global Law & Policy, moderator of session on Historical and Present Legal Frameworks for Natural Resources in the Global South, Harvard Law School, Cambridge, Massachusetts, June 3, 2018.

Myra Kraft Open Classroom, Fall 2017 lecture series on Boston in 2030, “Urban Adaptation to Climate Change,” in session on Climate-Ready Boston, Oct. 18, 2017.

Sustainability Conference of American Legal Educators (SCALE), “Renewable Energy, Distributed Generation and Storage, and a Sharing Economy,” Arizona State University, Phoenix, Arizona, May 12, 2017.

Northeastern University, Center for Law, Innovation, and Creativity (CLIC), conference on Connected Futures: Next Generation Questions for a Just World, organizer and moderator of panel on Renewable Energy, Resilience and Innovation, Boston, May 1, 2017.

Seventh Annual Colloquium on Environmental Scholarship, “Innovative Communication Technologies and Evolving Property Relationships in Resource Management,” Vermont Law School, South Royalton, Vermont, September 23-24, 2016.

Association for Law, Property and Society (ALPS), “Smart Communication Technologies and Evolving Public/Private Relationships in Natural Resource Management,” Queens University, Belfast, Ireland, May 20-21, 2016.

Program on Human Rights and the Global Economy (PHRGE), 10th Annual Human Rights Institute: Tapping Into the Human Right to Water: Affordability, Quality, Accessibility, introductory remarks and introduction of keynote speaker, Boston, MA, Nov. 5, 2015.

Sustainability Conference of American Legal Educators (SCALE), “Resilient Cities and the Challenges of Urban Water Management,” presentation, panel on “Climate Change Adaptation and Resilience,” Arizona State University, May 8, 2015.

Annual Meeting of the Association for Law, Property, and Society (ALPS), “Institutional Cognition and Urban Resilience,” presentation, panel on “The Changing Landscape,” University of Georgia, Athens, Georgia, May 1, 2015.

J.B. and Maurice C. Shapiro Symposium on Advanced Monitoring, Remote Sensing, and Data Gathering, Analysis and Disclosure in Compliance and Enforcement, presentation on “Implications of Advanced Sensing and Networking Technologies for Designing and Implementing Resilient Water Management Requirements,” George Washington University Law School, Washington, D.C., March 26-27, 2015.

Northeastern University School of Law, Lawyering for the Sustainable City Conference, program organizer and moderator, March 21, 2014.

Northeastern University, Myra Kraft Open Classroom, Challenges of Water, Spring Semester 2014, co-instructor.

Bar Admissions

Admitted to practice law in the state courts of Massachusetts and New Jersey; state courts of Tennessee (inactive status); the United States District Courts for the District of Massachusetts, the Middle District of Tennessee, and the District of New Jersey; the United States Court of Appeals for the First Circuit; and the United States Supreme Court.

CITY COUNCIL

CITY OF NEWTON

RECEIVED

DOCKET REQUEST FORM

2021 JUN 22 AM 11:54

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.

To: Clerk of the City Council
CITY CLERK
NEWTON, MA 02459

Date: June 17, 2021

From (Docketer): Lara Kritzer, Community Preservation Program Manager

Address: Planning Department, Newton City Hall, 1000 Commonwealth Avenue Newton MA 02459

Phone: 617-796-1144

E-mail: lkritzer@newtonma.gov

Additional sponsors: Community Preservation Committee

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

Recommendation from the Community Preservation Committee for the allocation of \$1,440,344 in Community Preservation Act funds, with \$288,068.80 to come from the Open Space Prior Year Reserve (Account#5840-3599) and \$1,152,275.20 to come from the Prior Year Undesignated Fund (Account #5800-3599), to the control of the Planning & Development Department for the implementation of the approved and permitted designs for Levingston Cove including the construction of new erosion controls, plantings, and accessibility improvements, and the installation of new public amenities including new pathways, benches, and decks.

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input checked="" type="checkbox"/> Appropriation, transfer, | <input type="checkbox"/> Resolution |
| <input checked="" 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 checked="" 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

5. I 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)

Lara Kritzer

Luis Perez Demorizi

Nicole Banks

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:

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

CPC Funding Recommendation, the City's Proposal for the Levingston Cove Improvements Project, and the Project Presentation made at the CPC's public hearing on June 8, 2021.

(*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.

Lara Kritzer
Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

281-21

Telephone
(617) 796-1120
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(617) 796-1142
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(617) 796-1089
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Barney S. Heath
Director

Community Preservation Committee Funding Recommendation for Levingston Cove Improvements Project

Date: June 17, 2021
From: Community Preservation Committee
To: The Honorable City Council
CC: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

This proposal requests CPA funding to construct new accessibility, erosion, and passive recreation improvements at Levingston Cove. Levingston Cove is one of four public open space parcels set along the shore of Crystal Lake, a 33-acre glacial kettle pond and Newton's only Great Pond. The crescent shaped cove is bordered by a grassy slope which over time has become severely eroded. Its shoreline pathways are considered to be inaccessible and must serve a combination of needs in several locations to meet the walking, fishing, active and passive recreation demands of the community. The City has actively studied the area for several years now and held public meetings in 2018 and 2019 to gather input which has led to the creation of the current 60% design plan. This is an important site to many in Newton, and the proposed plans attempt to balance the environmental needs of the site with the recreational goals of the community. The recommended CPA funding will allow the City to correct erosion damage, provide accessible walkways and seating areas, install new features such as rain gardens to better deal with water runoff, and establish new passive recreational elements in the landscape.

The project is eligible for CPA funding for the preservation, rehabilitation, and restoration of both a city-wide Recreation resource and a unique Open Space natural resource.

RECOMMENDED FUNDING

At its regular monthly meeting on Tuesday, June 8, the Community Preservation Committee unanimously recommended, with a vote of 8 to 0, the appropriation of \$1,440,344 in Community Preservation Act funding to the control of the Planning & Development Department for the implementation of the approved and permitted designs for Levingston Cove including the construction of new erosion controls, plantings, and accessibility improvements, and the installation of new public amenities including new pathways, benches and decks.

The CPC recommends that the funding of the project be divided between Open Space (20%) and Recreation (80%). The Open Space funding is proposed to be taken out of the Open Space Prior Year

www.newtonma.gov/cpa

Lara Kritzer, Community Preservation Program Manager
lkritzer@newtonma.gov 617.796.1144

Reserve Account, while the Recreation category funding would come from the Prior Year Undesignated Funds as proposed below:

Proposed CPA Funding Accounts for the Levingston Cove Improvements Project			
Account Name	Account Number	Amount Currently Available	Proposed Amount for Levingston Cove Project
Open Space Prior Year Reserve Account	#5840-3599	\$409,689	\$288,068.80
Prior Year Undesignated Funds	#5800-3599	\$5,651,255.95	\$1,152,275.20
Total Project Funds			\$1,440,344.00

SPECIAL ISSUES CONSIDERED BY THE CPC

Community Needs: Crystal Lake is an important recreational resource not only for the surrounding neighborhood but for the City as a whole. Levingston Cove provides opportunities for fishing and direct water access as well as walking paths and park space. The park has been badly damaged by water erosion and suffers from many of the same over-use and environmental stresses which affect the Crystal Lake area as a whole. The City has been working with Weston and Sampson for several years now to study the existing conditions of the site and develop restoration plans which address the community’s needs and goals. Initial public meetings were held on the project in 2018 and a preliminary plan for the site was reviewed by the Parks and Recreation Commission in 2019.

This project is #26 in the City’s Capital Improvement Plan (CIP) with a score of 53.8 out of 100 and a stated benefit of improving the area’s accessibility, drainage, and water quality and preventing further erosion. Improving the existing shoreline at Levingston Cove meets the City’s CIP goal (page 11) to protect existing woods and open spaces and care for the City’s Parks and Recreational Spaces. Additionally, the project will meet several goals of the Open Space and Recreation Plan including Goal 3, Objective 3A (Increased accessibility in the City’s park land) of Section 8, and Goal 2, Objective 2B #26 (Implement recommendations from the...Restoration of Levingston Cove, Crystal Lake, Weston & Sampson (2019)) of Section 9.

Funding Uses and Sources: The recommended CPA funding will be used to cover the construction and material costs associated with implementing the approved Weston and Sampson plans for the Levingston Cove Improvements. As previously noted, the City has already spent several years working on the design documents, which are now at 60%. The City, with some State assistance, has already funded the design costs for the project and City staff will complete the survey work needed for the plans and their permitting. The City will continue to provide staff support throughout the final design, requisition, and bidding processes and will oversee the construction through completion.

Project Finances: The funding requested will cover the final construction phase of the project, allowing the City to install accessible features and trails, drainage improvements, erosion controls, and site amenities including benches, a viewing and fishing platform, at-grade access to the pond, and seating areas. The City has provided the funding and staff time to complete the public review and design process and will continue to provide support for the permitting of this project. State funding has been requested to cover the construction oversight for the project, with the City overseeing the work if this funding does not become available. This is the first request to use CPA funding at Levingston Cove.

Accessibility: The pathways currently running through Levingston Cove have been degraded by erosion and are not accessible. A major component of this project is the creation of fully accessible walkways and viewing areas for use by all of the City's residents. The City also plans to make accessibility improvements to the pathway connecting Levingston Cove to the Crystal Lake Beach as part of a separate project.

ADDITIONAL RECOMMENDATIONS (*funding conditions*)

1. CPA funding will be used for the construction of the Levingston Cove Improvements and the purchase of any materials necessary to complete the approved plans.
2. The CPC shall receive a copy of the 100% construction documents as soon as they are available.
3. Any periodic reports or interim deliverables prepared as part of this project, and any City or State reviews of those deliverables, must be shared with the CPC for online posting.
4. The CPC or its staff may conduct periodic site visits to the project and request photos or updates from time to time for the Committee and public's information.
5. All recommended CPA funds should be appropriated by the City Council within 6 months and expended within two years of the date of any CPC recommendation. If either deadline cannot be met, the applicant should request a written extension from the CPC, which the CPC may grant at its discretion.
6. Any CPA funds appropriated but not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on its success in completing the finalized and permitted designs for the Levingston Cove Improvements and their ability to address both the environmental needs of the site by controlling erosion and rainwater, and the recreational needs of the site by providing improved views and access to Crystal Lake and its amenities.

ATTACHMENTS

- May 21, 2021 Proposal and selected attachments submitted to the CPC for the June 8, 2021 public hearing
- Project Presentation given at the June 8 CPC meeting.

Additional information not attached to this recommendation, including petitions and letters of support, are available on the CPC's website at: <https://www.newtonma.gov/government/planning/community-preservation-program/proposals-projects/levingston-cove-improvements-project>

**Newton, Massachusetts Community Preservation Program
FUNDING REQUEST**

City of Newton



Ruthanne Fuller
Mayor

PRE-PROPOSAL

PROPOSAL

(For staff use)
date rec'd:

Last updated October 2020.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see www.newtonma.gov/cpa or contact:

Lara Kritzer, Community Preservation Program Manager

City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459

lkritzer@newtonma.gov 617.796.1144

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	Louise Levingston Cove Improvements Project		
Project LOCATION	Lake Avenue, Newton Highlands, MA 02459. Lakefront Land across from 183,193 and 203 Lake Avenue		
Project CONTACTS	Name & title or organization	Email	Phone
Project Manager	Luis Perez Demorizi, Open Space Coordinator Parks, Recreation & Culture	lpdemorizi@newtonma.gov	617-796-1507
Other Contacts	Nicole Banks, Commissioner Parks, Recreation & Culture	nbanks@newtonma.gov	617-796-1502
Project FUNDING	A. CPA funds requested: \$ 1,440,344	B. Other funds to be used: \$189,428	C. Total project cost (A+B): \$1,629,772
Project SUMMARY	Explain how the project will use the requested CPA funds. You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW. Use a cover letter for general information about the sponsoring organization's accomplishments.		

Levingston Cove is one of the 4 public open space parcels set along the shore of Crystal Lake in Newton. Crystal Lake is designated as one of the state’s Great Ponds; it is a 33-acre glacial kettle pond (actual pond area is 27.5 acres), roughly 10 miles west of Boston. The crescent-shaped Levingston Cove is roughly one-half of an acre; it sits on the shore of Crystal Lake at the intersections of Lake Avenue and Lakewood and Berwick Roads in the Newton Highlands neighborhood. The existing grassy slope and its mostly inaccessible shoreline pathway have eroded severely. There are mature trees and a sparse shrub buffer on the shoreline. The park provides opportunities for sitting and viewing, fishing, nature study, sunbathing, picnicking, and walking. The park also serves as habitat for land- and water-based wildlife. Located further south along the shore is Newton’s only supervised, natural area for public swimming known as Crystal Lake Park and Bath house. Crystal Lake currently suffers from extreme stress and overuse within its watershed. Expanded use of the lake for swimming, demand for fishing and boating, increased on-street parking, the encroachment of invasive plants on the natural habitat, and cyanobacteria algal blooms in the water are the primary stressors on the health of the great pond.

Given the parks location within an ecologically sensitive area, this small, well-used area will be receiving improvements that are packed with environmental performance innovation. The current improvements plan will enhance accessibility, slow and redirect stormwater surface run-off, protect and enhance wildlife habitat, overall recreational value and ensure public safety. The conceptual design and current plan has been conducted and produced by Weston & Sampson Inc. and approved by the Newton Parks and Recreation Commission along with many other stake holders, including members of the public. Public meetings were held to request input from the public. Public comment has been considered and incorporated into the preferred plan where feasible within the park’s current program.

The plan is in the construction documentation phase and moving toward a shovel-ready project. With CPC funding, the city will be able to move forward with construction. The PRC department has and will continue commitment expend staff time and other resources to manage the project through construction completion.

Luis Perez Demorizi, Open Space Coordinator, has 7 years of experience as a landscape designer 5 of which were spent designing parks, playground, streetscape and inspecting post-construction contractor work in the private sector. He helped manage an 11-million-dollar contract with the City of New York’s Department of Environmental Protection’s green infrastructure program retrofitting sidewalks, schools, and parks to manage stormwater. For PRC, Luis has managed and supervised the construction of Heartbreak Hill Park at Waban Hill Reservoir (368K value), the design and construction of the athletic field lights at Newton South High School (~450K value), structural field and court lighting assessment at Albemarle Park, Forte Park and Newton South High School tennis courts, retaining wall assessment at Burr Park, Life course trail renovation at Cold Spring Park, and landscape improvements at the Newton Corner traffic islands. He is currently overseeing the design and engineering of the Improvements to Levingston Cove. He is also in the process of developing trail improvements plan at the Marty Sender greenway. Under his oversight, Luis has been able to deliver quality open space projects to the city of Newton. He puts extra focus on minimizing project unknowns when possible. He is also able to connect effectively with other departments, various city commissions and the public.

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	Louise Levingston Cove Improvements Project	
USE of CPA FUNDS	RECREATION	
	Preservation	X
	Rehabilitate/ Restore	X
COMMUNITY NEEDS	From each of at least 2 plans linked to the Guidelines & Forms page of www.newtonma.gov/cpa , provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan.	

Open Space and Recreation Plan Update 2020-2027

- Section 8, Page 141 Goal 2 Objective 2B: Improved City parks, playgrounds, and other recreational facilities.
- Section 8, Page 141 Goal 3 Objective 3A: Increased accessibility in the City's park land.
- Section 9, Pages 152 Goal 2 Objective 2B #26: Crystal Lake: Implement recommendations from the Crystal Lake Management Plan by Woodard & Currant (2020), Crystal Lake Task Force Bath House Study (2010), and **Restoration of Levingston Cove, Crystal Lake, Weston & Sampson (2019)**. Consider an overall Crystal Lake Master Plan for improvements on all the publicly owned parcels:
 - Water quality improvement efforts in the lake and watershed (underway).
 - Crystal Lake Bath House, Beach and Park: Upgrade/replace the existing bath house building, curtail erosion, increase accessibility, expand utility of existing amenities and parking improvements.
 - **Levingston Cove: Implement site improvements to improve erosion, increase accessibility, and utility.**
 - Cronin's Cove: Consider implementing an improvement and restoration plan to curtail erosion, increase accessibility and utility of existing amenities while preserving some of the site's historic character.

Capital Improvement Plan FY2022-2026

- Page 11, *Protecting Woods and Open Spaces & Caring for our Parks and Recreational Spaces* – "...Over the next several years, the FY2022 – FY2026 CIP includes a number of important parks and recreation projects. These include shoreline improvements at Crystal Lake's Levingston Cove..."
- CIP by Priority FY 2022-2026, Priority 26:
"Renovation of entire lakefront park to include improvements to accessibility, drainage, erosion and water quality."

COMMUNITY CONTACTS	List at least 3 Newton residents or organizations willing and able to comment on the project and its manager's qualifications. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.		
Name & title or organization	Email	Phone	Mailing address
Arthur Magni, Chairman Parks & Recreation Commission	magni@rcn.com	617-821-8351	107 Mt. Vernon Street Newton, MA 02465
Janice Bourque, Co-President Crystal Lake Conservancy	jbouque@htgc.com	617-967-0797	
Schuyler Larrabee, Co-President Crystal Lake Conservancy	schuyler.larrabee@verizon.net	617-864-3870	
Sonya Kurzweil, President Friends of Crystal Lake	sonya@skdc.org		203 Lake Ave. Newton, MA 02461

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.
Full proposals must include separate, detailed budgets in addition to this page.

Project TITLE	Louise Levingston Cove Improvements Project	
SUMMARY CAPITAL/DEVELOPMENT BUDGET		
Uses of Funds		
Planning, design, construction oversight and city staff time (16% of total estimated project cost)		189,428
Site Preparation / Demolition		120,532
Earthwork / Drainage and Utilities		\$142,994
Paving / Curbing		\$36,220
Decking – Cantilevered and On-Grade		\$533,325
Retaining Walls and Stairs		\$124,598
Site Amenities and Improvements		\$63,929
Planting		\$86,358
Construction year 2022 escalation (3%)		\$33,239
Mobilization, Overhead and Profit (12%)		\$132,955
Contingency (20%)		\$166,194
D. TOTAL USES (should equal C. on page 1 and E. below)		\$1,629,772
Sources of Funds	Status (requested, expected, confirmed)	
CPA funding	Requested	\$1,440,344
Approximate staff time for the duration of project @ 10 Hrs. a week for Duration of project (approx. 1.5 yrs)	Expected	\$24,255
Conceptual Plan development	Confirmed	\$42,878
Topographic Survey Conducted by City of Newton DPW	Confirmed	\$8,295
Design Development through Bidding	Confirmed	\$89,000
Construction Oversight -	Expected	\$25,000
E. TOTAL SOURCES (should equal C. on page 1 and D. above)		\$1,629,772
SUMMARY ANNUAL OPERATIONS & MAINTENANCE BUDGET (cannot use CPA funds)		
Uses of Funds		
Tree Pruning		\$50
Site Mowing and String Trimming		\$780
Leaf Litter and Branch Removal		\$1000
Vegetation Maintenance (Shoreline)		\$75
Vegetation Maintenance (landscape plants)		\$112
Rain Garden Maintenance & Cleanup (2.3% of Total Capital Cost)		\$906
F. TOTAL ANNUAL COST (should equal G. below)		\$2,923
Sources of Funds		
Operating Budget		\$2,923
		\${amount}
G. TOTAL ANNUAL FUNDING (should equal F. above)		\$2,923

Project TIMELINE	Phase or Task	Season & Year
	Conceptual Design	2018-2019
	Construction Documents through Bidding	Winter 2021 thru Fall 2022
	Expected Construction Duration	Fall 2022- Late Spring 2023

Project TITLE		Levingston Cove Preservation/Rehabilitation Project	
↓ Check off submitted attachments here.			
REQUIRED.		PHOTOS	of existing site or resource conditions (2-3 photos may be enough)
		MAP	of site in relation to nearest major roads (omit if project has no site)
Pre-proposals: separate attachments not required, just use page 3 of form. Full proposals: separate, detailed budget attachments REQUIRED.	PROJECT FINANCES printed and as computer spreadsheets, with both uses & sources of funds		
		Development budget: include total cost, hard vs. soft costs and contingencies, and project management – amount and cost of time from contractors or staff (in-kind contributions by existing staff must also be costed) Operating/maintenance budget, projected separately for each of the next 10 years (CPA funds may not be used for operations or maintenance)	
		Non-CPA funding: commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions	
		Purchasing of goods & services: briefly summarize sponsor’s understanding of applicable state statutes and City policies	
REQUIRED for all full proposals.	SPONSOR FINANCES & QUALIFICATIONS, INSTITUTIONAL SUPPORT		
		For sponsoring department or organization, most recent annual operating budget (revenue & expenses) & financial statement (assets & liabilities); each must include both public (City) and private resources (“friends” organizations, fundraising, etc.)	
		For project manager: relevant training & track record of managing similar projects	
REQUIRED for all full proposals involving City govt., incl. land acquisition.		CAPITAL IMPROVEMENT PLAN	current listing/ranking & risk factors for this project
		COVER LETTER	from head of City department, board or commission confirming: current custody, or willingness to accept custody, of the resource and commitment of staff time for project management
	ZONING & PERMITTING		
		Permits required: including building permits, environmental permitting, parking waivers, demolition, comprehensive permit or special permits (if applicable)	
		Other approvals required: Newton Conservation Commission, Newton Historical Commission, Newton Commission on Disabilities, Parks and Recreation Commission, Massachusetts Historical Commission, Massachusetts Architectural Access Board, etc.	
	DESIGN & CONSTRUCTION		
		Professional design & cost estimates: include site plans, landscape plans, etc.	
	Materials & finishes; highlight “green” or sustainable features & materials		
OPTIONAL for all proposals.		LETTERS of SUPPORT	from Newton residents, organizations, or businesses

Parks Recreation & Culture Department
 Levingston Cove Estimated Annual Operating & Maintenance Costs (2021 Dollars)

Operation Item	Unit of Measurement per Year	Quantity	Annual Unit Cost	Total Annual Cost
Tree Pruning	Annual	1	\$ 250	\$ 50
Site Mowing and String Trimming	Annual	1	\$ 780	\$ 780
Leaf Litter and Branch Removal	Season	2	\$ 500	\$ 1,000
Vegetation Maintenance (Shoreline)	Acre	0.12	\$ 625	\$ 75
Vegetation Maintenance (landscape plants)	Acre	0.08	\$ 1,400	\$ 112
Rain Garden Maintenance & Cleanup (2.3% of Total Capital Cost) <i>**Estimated Rain Garden Construction Cost @ 39,413</i>	Annual	1	\$ 906	\$ 906
Grand Total Annual Operations & Management Cost:				\$ 2,923

City of Newton, Massachusetts
 Improvements to Levingston Cove at Crystal Lake
 5/7/2021

DRAFT

60% Progress Cost Estimate

	Quantity	Unit	Unit Price	Total	Notes
SITE PREPARATION/ DEMOLITION					
Temporary Construction Fence	670	LF	\$ 10	\$ 6,700	
Erosion Controls	1,060	LF	\$ 8	\$ 8,480	
Shoreline Protection (Turbidity Curtain)	480	LF	\$ 35	\$ 16,800	
Construction Entrance	1	LS	\$ 5,000	\$ 5,000	
Tree Pruning	20	EA	\$ 500	\$ 10,000	
Tree Protection	31	EA	\$ 200	\$ 6,200	
R&S Flat and Rounded Granite Boulders	27	EA	\$ 250	\$ 6,750	For reinstallation
R&D Handrails	310	LF	\$ 12	\$ 3,720	
Arborvitae Removal	11	EA	\$ 200	\$ 2,200	
Tree Removal	1	EA	\$ 1,500	\$ 1,500	10" cal. multistem
R&D Walls	265	LF	\$ 15	\$ 3,975	
R&D Concrete Paving	2,134	SF	\$ 10	\$ 21,340	
Strip & Stockpile Topsoil (6" depth)	1,076	SY	\$ 12	\$ 12,907	
R&D Utility Pole	2	EA	\$ 1,500	\$ 3,000	
Removal of Invasive Plant Species along shoreline (+/-600 sf)	24	HOUR	\$ 290	\$ 6,960	Assumes 25% of the square footage of shoreline zone has invasives present; 2 laborers, a foreman and a PWS for 1 day
Misc. Salvage and Demolition	1	LS	\$ 5,000	\$ 5,000	
			Subtotal	\$ 120,532	
EARTHWORK / DRAINAGE AND UTILITIES					
Boulder Excavation	106	CY	\$ 350	\$ 36,944	Assumes no removal of ledge
Cut/Fill Excavation	1,646	CY	\$ 35	\$ 57,601	
Rough/Fine Grading	1,646	SY	\$ 5	\$ 8,229	
6" Perforated Pipe	30	LF	\$ 20	\$ 600	
6" HDPE Solide Pipe	76	LF	\$ 20	\$ 1,520	
12" HDPE Solid Pipe	20	LF	\$ 30	\$ 600	
Overflow Drain with Beehive Dome	5	EA	\$ 1,500	\$ 7,500	
Communication Line Undergrounding by Comcast	1	LS	\$ 30,000	\$ 30,000	
			Subtotal	\$ 142,994	
PAVING / CURBING					
Vertical Granite Curb	75	LF	\$ 35	\$ 2,625	
Flush Granite Curb	515	LF	\$ 35	\$ 18,025	At stonedust paving
Steel Edger	515	LF	\$ 7	\$ 3,821	
Cast-In-Place Concrete Paving (4" depth)	88	SY	\$ 65	\$ 5,722	
Gravel Base (8" depth)	60	CY	\$ 35	\$ 2,085	
Detectable Warning Mat at Curb Cut	2	EA	\$ 300	\$ 600	ADA Solutions
Accessible Stone Dust Surfacing (stabilized)	24	TONS	\$ 225	\$ 5,400	Quote from Read Custom Soils
Stone Dust Delivery	1	LS	\$ 536	\$ 536	
Gravel Base (8" depth under stone dust.)	35	CY	\$ 35	\$ 1,226	
			Subtotal	\$ 36,220	
DECKING - CANTILEVERED AND ON-GRADE					
Guardrail at Cantilevered Decking	223	LF	\$ 225	\$ 50,175	Steel post and rail with mesh insert
Steel Structure	705	SF	\$ 250	\$ 176,250	Estimated between \$150k - \$200k
Concrete Pile Cap (2' depth)	147	CY	\$ 1,000	\$ 146,667	
Gravel Fill (4" depth)	24	CY	\$ 65	\$ 1,587	
Micropiles	40	EA	\$ 2,500	\$ 100,000	
Cantilevered Decking (Composite)	405	SF	\$ 88	\$ 35,640	Trex or equal
On-Grade Deck at Shoreline (Composite)	240	SF	\$ 88	\$ 21,120	Trex or equal; Note that helical piers will NOT be required
Granite Curb surrounding On-Grade Deck	45	LF	\$ 35	\$ 1,575	
Crushed Stone under On-Grade Deck (4" depth)	9	CY	\$ 35	\$ 311	
			Subtotal	\$ 533,325	
RETAINING WALLS AND STAIRS					
Cheek Wall	32	CY	\$ 700	\$ 22,463	On top of ex. retaining wall
Cast-In-Place Concrete Stairs	6	CY	\$ 700	\$ 3,928	
Granite Block Stair Treads	15	EA	\$ 675	\$ 10,125	Quote from Swenson Granite
Concrete for Granite Block Stairs	4	CY	\$ 700	\$ 3,098	
Handrail at Stairs and Ramps	241	LF	\$ 175	\$ 42,175	
CIP Concrete Foundation for Stone Veneer Walls	7	CY	\$ 700	\$ 4,896	
Granite Cap for Retaining Walls	333	LF	\$ 89	\$ 29,471	Quote from Swenson Granite
Stone Veneer for Ex. Retaining Wall	880	SF	\$ 17	\$ 14,758	Phone quote from Stoneyard
Stone Veneer for CMU Block Wall	412	SF	\$ 17	\$ 6,909	Phone quote from Stoneyard
CMU Block Wall	1,015	EA	\$ 2	\$ 2,223	Phone quote from Linden and Malden Cement Block Co.
Unit Block Retaining Wall	412	FF	\$ 55	\$ 22,660	Redirock precedent
			Subtotal	\$ 124,599	
SITE AMENITIES AND IMPROVEMENTS					
Wood Guardrail	515	LF	\$ 30	\$ 15,450	
Backed Bench with 2 Armrests	3	EA	\$ 1,833	\$ 5,499	Dumor Bench 160
Back Bench mounted on Seat Walls	3	EA	\$ 3,000	\$ 9,000	Bench TBD
Relocated Memorial Plaque	1	EA	\$ 1,000	\$ 1,000	
Reinstalled Granite Blocks and Boulders	27	EA	\$ 500	\$ 13,500	
Stabilizing Riverstone at Lake Edge (6" depth)	15	TON	\$ 250	\$ 3,733	
Granite Blocks for Sign Wall (6' length)	4	EA	\$ 450	\$ 1,800	Quote from Swenson Granite
Sign Wall Etching	2	EA	\$ 3,000	\$ 6,000	Quote from Newton Memorial Art
Bike Racks	3	EA	\$ 267	\$ 801	Bike Rack 290
Dog Waste Receptacle	1	EA	\$ 2,382	\$ 2,382	Model #TBD
Trash Receptacles	2	EA	\$ 2,382	\$ 4,764	VS Model SD-42 with Domed Lid and Black Plastic Liner and Plaque Decal
			Subtotal	\$ 63,929	
PLANTING					
Loam and Seed (6" loam borrow)	995	SY	\$ 6	\$ 5,969	
Erosion Control Matting	15,951	SF	\$ 0.20	\$ 3,190	
Tree Planting	7	EA	\$ 1,200	\$ 8,400	
Bank Restoration Planting Area					
Shrub Planting	40	EA	\$ 65	\$ 2,600	
Groundcover/Herbaceous Perennial Plugs	526	EA	\$ 4	\$ 2,104	4" plug
Bank Stabiliation Area TBD	269	EA	\$ 35	\$ 9,293	Assumes 18" o.c. avg; assumes 25% coverage of area shown on the plans; mix of shrubs and groundcovers
Slope Planting Area					
Shrub Planting	80	EA	\$ 65	\$ 5,200	
Slope Stabilization Seeding	361	SY	\$ 8	\$ 2,889	
Groundcover/Herbaceous Perennial Planting	380	EA	\$ 35	\$ 13,300	
Rain Garden / Infiltration Planting Area					
Shrub Planting	28	EA	\$ 65	\$ 1,820	
Groundcover/Herbaceous Perennial Planting	633	EA	\$ 35	\$ 22,155	
Bioretention Soils (12" Depth)	107	SY	\$ 60	\$ 6,393	
Aquatic Edge Planting	60	EA	\$ 4	\$ 239	Assumes 18" o.c. avg; assumes 25% coverage of area shown on the plans; 4" plug
Pine Bark Mulch (3" depth)	37	CY	\$ 75	\$ 2,806	In slope planting and rain garden areas
			Subtotal	\$ 86,358	
SUBTOTAL				\$ 1,107,957	
			Construction year 2022 escalation 3%	\$ 33,239	
			Mobilization, Overhead & Profit (12%)	\$ 132,955	
			Contingency (15%)	\$ 166,194	
TOTAL BASE BID				\$ 1,440,344	
			CPC Estimate 4/21/2021	\$ 1,125,900	

SUMMARY RESUMES

Weston & Sampson has assembled a collection of professionals with the qualifications and experience needed to provide planning and design services for Levingston Cove at Crystal Lake. To provide comprehensive services, our team includes highly qualified landscape architects, engineers, and environmental professionals licensed in Massachusetts, as well as technical and support specialists, who have successfully worked on similar projects in Massachusetts and throughout New England over the past several years. **The multi-disciplinary nature of our firm allows us to address important project issues efficiently and seamlessly using in-house staff familiar with the unique aspects of open space/recreational requirements.** Our project team allows us to bring expert credentials to every aspect of this project.

Weston & Sampson has the depth of resources to respond to your project needs and can assure the assignment of highly qualified personnel for all your project tasks and deliverables.

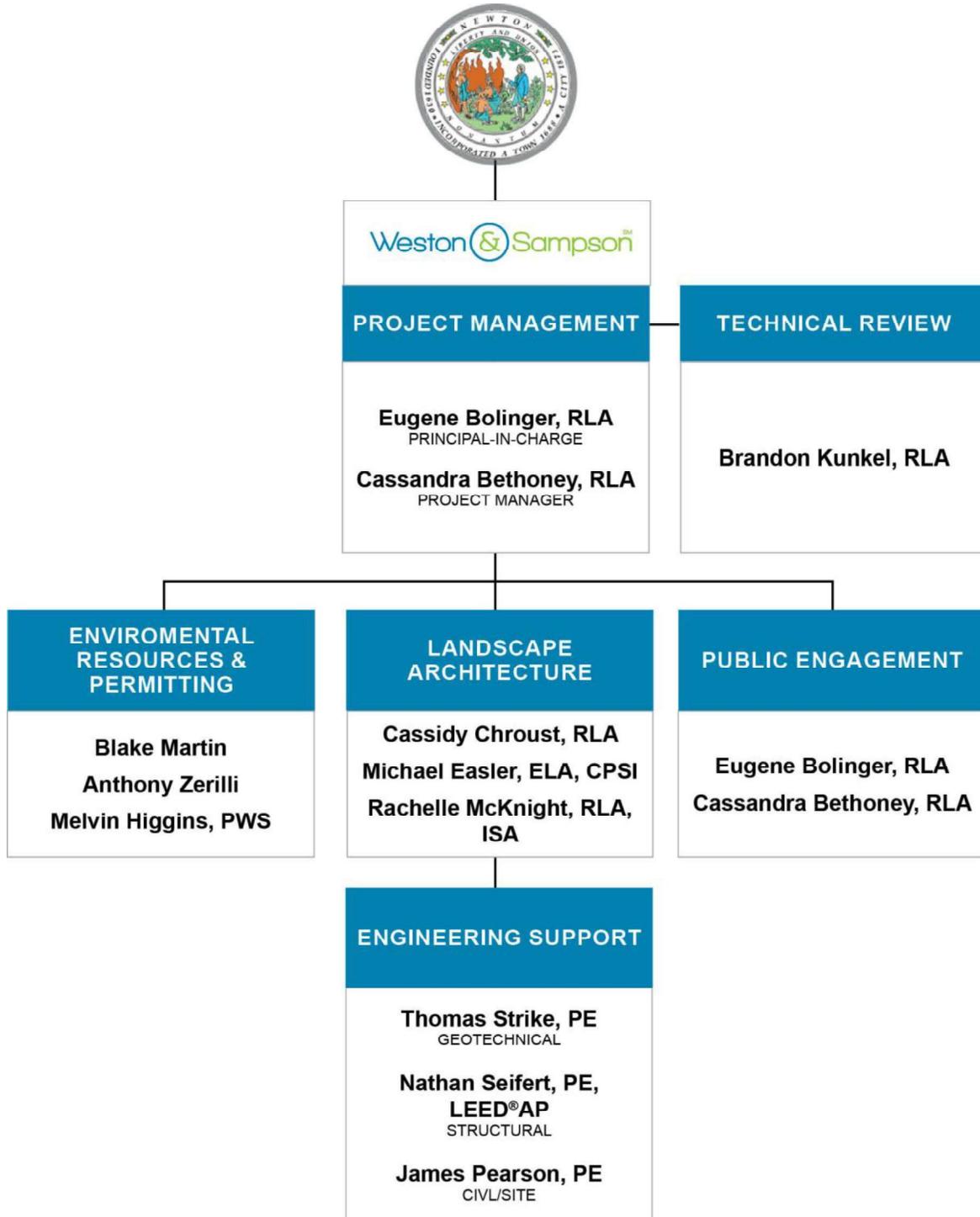
Our project management team of **Eugene Bolinger, RLA** as principal-in-charge and **Cassandra Bethoney, RLA** as project manager will have overall responsibility and accountability for project execution. They will manage the performance of our team members, ensure technical quality at each stage of the project, and monitor personnel assignments and allocations to meet project deliverable and schedule milestones.

Upon authorization to proceed, our proposed key team members will be immediately available for work. Weston & Sampson is committed to providing quality services and will perform the scope of work using the appropriate staff levels to meet your required schedule and remain within budget. With more than 650 multi-disciplinary professionals, we are confident that we have the depth of staff and resources to successfully complete all obligations associated with your project. We are committed to fully attending to this project and exceeding your expectations at every turn. We will manage your project from our design studio in Boston, with support from our other offices in Foxboro, Reading, and Worcester, as needed.



Members of our team recently performing site reconnaissance work at a park and open space property on Boston Harbor.

On the following page, we provide our project team organization chart that details the lines of communication among all our team members, their respective roles and responsibilities, as well as the estimated commitment of time for each member of the team. All team members on the chart will be made available, as needed, to participate in this planning and design effort. At certain points (a given week for instance) 100% of a team member's time may be allocated to the project. We have included summary biographies of our proposed team following our team chart and professional resumes for our team members at the end of this section.



PROJECT MANAGEMENT

Eugene Bolinger, RLA will serve as principal-in-charge of your project and will ensure that your project remains a priority of the firm. Gene is a **Massachusetts Registered Landscape Architect** with 30 years of experience in the planning, design, and implementation of open space and recreational facilities. During his accomplished career, he has successfully managed master planning, final design, and construction administration efforts for multi-disciplinary design/streetscape corridors, park, recreation, and open space projects. Gene has led many of our firm's efforts on programs with significant community input and outreach components, helping multiple stakeholders work together to develop long-term solutions to community planning needs, and brings to this project a successful track record of assisting clients in procuring funding for recreational open space projects through the PARC grant funding program.



In addition, Gene has led efforts related to recreational facilities and neighborhood playground amenities at properties in Boston, Danvers, Falmouth, Framingham, Natick, Newton, Somerville, Waltham, Wilbraham, and Worcester. Gene's recent project experience also includes his work on the highly successful redevelopment of Parcel 5 into Mayor Thomas M. Menino Park in Charlestown, Massachusetts (Received 2016 BSA Accessible Design Award). This project required an accelerated schedule and included ADA accessibility/compliance as well as an extensive public engagement component.

Cassandra Bethoney, RLA is a **Massachusetts Registered Landscape Architect** with experience that spans a broad range of projects from planning to built work, with a focus on public parks and open spaces, streetscape design, and urban improvement projects. Cassie brings to each project strong critical thinking, pragmatism, and a commitment to quality. Cassie worked on the design and development of landscape architecture improvements to John Harvard Mall in Charlestown; a range of improvements to Boston Common and the Public Garden; master planning and conceptual designs for the Kendall Block of Commonwealth Avenue Mall; and planning and design for improvements to Children's Park, Fallon Field Playground, Harambee Park, LoPresti Park, and Menino Park. She also provided support for Weston & Sampson's efforts on the revitalization of Town Hall Plaza in Arlington; development of a strategic plan for Peddocks Island; and improvements to Lincoln Park, Conway Park, and the North Street Veterans Playground in Somerville.



LANDSCAPE ARCHITECTURE

Cassidy Chroust, RLA is a landscape designer with a background that includes master planning, schematic design, design development, construction documentation, and project management. A newly licensed **Registered Landscape Architect**, Cass has successfully managed numerous park/recreation projects, including the Wayland Parks and Open Space Plan, Harambee Park Master Plan (Dorchester), a comprehensive Master Plan for Crompton Park in Worcester, and the Boston Common Master Plan. His Massachusetts experience also includes multiple urban design projects for the Boston Parks and Recreation Department, including our work at the John Harvard Mall and LoPresti Park; for Foss Park master plan and at Lincoln Park in Somerville; for the redevelopment of Riverfront Park in Springfield; for a high school athletic facility design project in Danvers; for Phases 4 and 5 of the Cushing Memorial Park open space improvement project in Framingham; and for the improvements to Institute Park in Worcester.



SUMMARY RESUMES

Michael Easler, RLA, CPSI is a landscape architect with specialized skills in 3D modeling and visual representation. He will support the landscape architecture tasks for this project. A **Massachusetts Registered Landscape Architect**, Mike is also experienced in native landscape planting, environmental research, construction detail development, and playground safety systems. His experience includes his current work at Riverfront Park in Springfield, as well as his efforts on the JJ Lane Park improvement project in Natick, and Mayor Thomas M. Menino Park, for which he developed paving designs and colors for the universally accessible playground area, detailed the historic reuse of industrial keel blocks as seating elements, and developed a low-cost construction system and native sedum/grass planting mixes for the proposed bulkhead meadow. Mike's other Massachusetts project experience includes his work for LoPresti Park in Boston with its synthetic turf field; the athletic complex at Danvers Hill School in Danvers; Albion Park, Lincoln Park, the North Street Playground, and at the Quincy Street open space property in Somerville; for Newton Highlands Park in Newton; and for the Warren and Waldstein neighborhood parks in Brookline.



Rachelle McKnight, RLA, ISA is a landscape architect and arborist whose background includes landscape and site design services for a variety of municipal, park, religious institutions, and higher education projects. Her experience includes: parks and recreation master planning, planting design, plaza and public space design, site grading, botanical inventories, trail layout, as well as digital rendering and modeling. Rachelle is proficient in the Adobe Creative Suite, a variety of fine arts, SketchUp, and AutoCAD software. She recently served as Landscape architect/designer responsible for the revitalization of Mill Brook corridor and Wellington Park in Arlington, which included site improvements, vegetation management planning, invasive species removal/control, and bank restoration.



ENVIRONMENTAL RESOURCES & PERMITTING

Blake Martin, Weston & Sampson's environmental resources manager, has over 30 years of specialized experience in water resources and watershed studies. He currently chairs the New England Water Works Association committee on sustainability, focusing on water resource protection and watershed improvements. Recently, Blake's efforts have led to the development of three Water Congresses (2010, 2011, 2012), which brought watershed associations and municipal utility members together to discuss, evaluate, and plan a proactive approach to watershed health. Blake has created innovative GIS approaches to mapping watershed impacts from point/non-point sources. He has managed all our projects for community-wide resource planning and zoning by-law development, including surface water protection plans. His experience includes his watershed and stormwater management work with the Cambridge Water District and close coordination with the Charles River Watershed Association on various water resource protection endeavors.



Anthony Zerilli will lead the environmental permitting services required for your project. Tony is an environmental scientist with more than 10 years of professional experience in the environmental and natural resource management field. He has provided permitting and wetland delineation services at various locations and monitored wetlands and construction sites for impacts caused during project construction for numerous communities throughout Massachusetts. His experience includes park/recreation-related permitting for Massasoit State Park in East Taunton for DCR, Mayor Thomas M. Menino Park, LoPresti Park in East Boston, the Whispering Hill Woods project in Woburn, and various park/recreation improvements in Framingham and Worcester. In addition, Tony is certified in the US Army Corps of Engineers methods of wetlands delineation.



SUMMARY RESUMES

Melvin Higgins, PWS will provide permitting and environmental resource assistance. A **Professional Wetland Scientist** in our Environmental Resources group, Mel has nearly 20 years of environmental permitting, environmental analysis, and water quality experience, including numerous environmental permitting projects for submittal to local conservation commissions and state/federal agencies. His extensive project experience includes his work on Mayor Thomas M. Menino Park in Charlestown, Massachusetts; various park/recreation improvements in Somerville, Waltham, and Worcester; and for the Whispering Hill Woods project in Woburn; and current work providing permitting and environmental resource services at Massasoit State Park in Taunton and at Draw Seven Park in Somerville on behalf of the Massachusetts DCR.



PUBLIC ENGAGEMENT

Our professional staff has extensive experience in conducting public participation and communication programs through our work on numerous projects throughout New England. **Gene Bolinger** and **Cassandra Bethoney** have extensive community outreach and public participation experience. In addition to their other assignments, they will support our community engagement efforts for your design project. We have detailed their qualifications elsewhere within this section.

Public participation and engagement is a core component of our expertise and something we take great pride in. Our past design and improvement work at parks, fields, and playgrounds throughout Massachusetts and New England has included many projects with a range of challenges and varying opinions related to specific aspects of a design or improvement. Through careful leadership, everyone can be heard and enrolled into a successful outcome that provides the greatest benefit to the community, its visitors, and the city. No project can be successful without a comprehensive and meaningful public outreach process. To achieve success in this endeavor, an effective design for a revitalized signature park must be authentic in its service to users, visitors, and the surrounding community while honoring its history and its prime location. Our team seeks to establish and maintain valuable communication and cooperation among all those with a vested interest in the project. **To this end, we pledge to work closely with the City of Newton, all project stakeholders, and, of course, residents in an honest, open, and truly productive dialogue that builds trust and promotes the redevelopment of Levingston Cove into a multi-generational recreation amenity that offers spectacular views, access to nature and wildlife, passive recreation, and community gathering spaces.**

ENGINEERING SUPPORT

Thomas Strike, PE is a senior project manager in the firm's environmental and geotechnical program. He has over 20 years of experience with geotechnical engineering design and has been responsible for managing multiple ongoing construction projects. A **Massachusetts registered Professional Engineer**, his specific areas of expertise include foundation design, retaining wall and slope stability analyses, and dam safety engineering.



Nathan Seifert, PE, LEED®AP, a team leader in Weston & Sampson's structural engineering department, has more than 25 years of engineering and construction experience. His areas of expertise include reinforced concrete, masonry, structural steel, and timber design, and he is well versed in the International Building Code. A **Massachusetts registered Professional Engineer**, his project experience includes design for new construction and renovation of commercial, multi-unit residential institutional and pharmaceutical/industrial buildings; water/wastewater treatment facilities; and bridges. Nathan also has construction management experience and is a LEED® Accredited Professional.



SUMMARY RESUMES

James Pearson, PE will also contribute to our environmental resources/permitting efforts. James is a **Massachusetts registered Professional Engineer** with more than 12 years of experience in design, analysis, and construction for a diverse range of projects, including work involving storm drainage conveyance and treatment systems, site planning and design, water distribution systems, sewer pipelines, and structural and roadway design. His skills include computer-aided site/infrastructure design and modeling, hydrology and hydraulic analysis, floodplain modeling, structural modeling, and surveying. James offers specialized expertise in the design of sustainable stormwater management systems. He has designed new and replacement utilities for both urban and suburban settings, and is experienced in the management of design, bidding, and construction administration project phases.



TECHNICAL REVIEW

Weston & Sampson is committed to quality assurance and control. To assure that our firm's high standards are maintained, we routinely assign senior staff members to review the project team's work at regular intervals. This quality review is an important element of our approach to provide clear, biddable documents and avoid change orders during construction.

Brandon Kunkel, RLA is a **Massachusetts Registered Landscape Architect** with more than 10 years of experience in innovative design and master planning. Brandon's areas of expertise include parks, high-density mixed-use developments, academic and corporate campuses, and natural resource conservation and rehabilitation. Brandon is currently responsible for the construction administration phase of the new high school athletic facility in the Town of Danvers. Brandon's experience also includes work on the design services for the development of Weir Riverfront Park in the City of Taunton; the design of improvements to LoPresti Park in East Boston, including the artificial turf soccer field; an athletic fields project at the University of Massachusetts Lowell; redevelopment of Riverfront Park in Springfield; Lincoln Park in Somerville; development of a master plan for the 80-acre Merrymount Park in Quincy; and planning/design for the Charles River parklands restoration in Boston.



BACKGROUND

2004-Present
Vice President
Weston & Sampson

2000-2004
Landscape Architect
Weston & Sampson

1988-2000
Landscape Architect
Levy, Eldredge & Wagner
Associates, Inc

1986-1988
Landscape Architect
Johannes H. Wagner Associates

1984-1986
Landscape Architect
Storch Associates

EDUCATION

1983
Master of Landscape Architecture
North Carolina State University

1981
Bachelor of Science
Environmental Design
University of Massachusetts

**PROFESSIONAL
REGISTRATION**

Registered Landscape Architect
Massachusetts No. 906
New York No. 002213-1
Rhode Island No. 174
North Carolina No. 2153

**PROFESSIONAL
SOCIETIES**

American Society of Landscape
Architects

National Trust for Historic
Preservation

Friends of the Boston Public
Garden

As a vice president of Weston & Sampson, Gene currently manages more than two dozen municipal projects involving the reconstruction or restoration of city and town commons, parks, playgrounds, athletic facilities, open space properties, and urban design/streetscape corridors. During his more than 30-year career, he has successfully led master planning, final design, and construction administration efforts for multi-disciplinary park, recreation, and open space projects requiring expertise in landscape architecture, civil, structural, geotechnical and electrical engineering, architecture, metals and stone conservation, hazardous waste remediation, and environmental permitting.

For many of his projects, Gene has worked closely with the client to prepare the content for and execute the community outreach/public participation effort. This component of a project can be instrumental in generating constituent goodwill and fostering consensus among the various stakeholders.

**SPECIFIC PROJECT EXPERIENCE**

Master Plan for Two Playgrounds, Newton, Massachusetts. Principal-in-charge for a master plan for playgrounds serving Newton Upper Falls and Newton Highlands to provide a site improvements plan that would reflect the needs of these diverse communities, guide future park development, and serve as a tool to secure funding from multiple sources. Collaborated with the city's Parks and Recreation Department to develop conceptual and final "preferred" master plans for both properties in response to the needs expressed by various community representatives at public hearings and through a comprehensive park user survey.

Cheesecake Brook Master Plan, Newton, Massachusetts. Project manager for a master plan for a section of Cheesecake Brook between Eddy Street and Watertown Street. Worked closely with the city's Planning and Development Department, and held a series of community meetings regarding the potential passive recreational use of the site. Addressed divergent opinions to develop an enhancement program that would satisfy all interested parties. Finalized the master plan and prepared documents for the construction of a Phase 1 program for the site.

Coes Reservoir Park Master Plan & Design, Worcester, Massachusetts. Project principal/project manager for the development of a master plan and multiple phases of park improvements for public open space lands surrounding Coes Reservoir. Worked collaboratively with our environmental team on this project that involves cleanup of the former Coes Knife property and dam in conjunction with the park design.

Warren and Waldstein Parks, Brookline, Massachusetts. Principal-in-charge for extensive public outreach efforts to craft renovation solutions for these two neighborhood parks to respond to the recreation and open space needs of the community. The designs incorporated a comprehensive restoration approach, including construction of a reoriented and reconfigured baseball field, tennis and

basketball courts, park support building, playground, splash pad, stormwater management systems, and sports lighting, among other features.

LoPresti Park Improvements, East Boston, Massachusetts. Principal-in-charge for the design, permitting, and construction administration work for this waterfront park project, which involved constructing a state-of-the-art synthetic turf field (funded in large part by the United States Soccer Association), realigning pedestrian connections, rotating fields for game play and practice to allow for a more efficient use of the site, and positioning the most-used play elements for improved safety and access. Considerations included sea level rise and site resiliency throughout the design process and exploring iterations of sea wall protection to balance defense against the rising sea and day-to-day access. Ultimately, the design includes granite sea wall blocks installed in a staggered pattern to diffuse wave action during extreme high tide conditions.

Langone Park & Puopolo Playground, Boston, Massachusetts. Principal-in-charge of design services and landscape architecture for the complete refurbishment of this signature waterfront park in Boston's historic North End. The recreational lifeline for Boston's most densely developed community, the park also provides a critical link within Boston's HarborWalk network. Design efforts include lighting, benches, interpretive signage conveying the unique historical and environmental heritage of this site, and coastal resilient strategies.

Improvements to Lincoln Park, Somerville, Massachusetts. Principal-in-charge for design services and landscape architecture improvements to the existing park, including open space improvements, active and passive play recreational features, athletic fields, educational opportunities, and a unique stormwater collection and management system. Designs include interactive education-based elements including an outdoor classroom, rainwater harvesting, and teaching gardens in collaboration with the Dr. Albert F. Argenziano Middle School, which is located adjacent to the park.

Fallon Field Playground, Roslindale, Massachusetts. Principal for this playground improvement project. Responsibilities included planning, design, community outreach, and construction administration. Community input was a huge driver to create this unique and innovative playground space built into a hillside. This playground includes many non-traditional play elements, features universal accessibility throughout and is home to the tallest slide structure in Boston.

North Union Spray Park and Hibbert Playground, Arlington, Massachusetts. Project principal for the development and presentation of separate park designs as part of a commission to re-imagine two public open spaces to meet the varied needs of the community and the distinct site conditions at each location. Also responsible for construction documents and construction administration.

Albion and Grimmons Parks Improvements, Somerville, Massachusetts. Principal-in-charge for the master planning, construction document design, and community outreach process for two parks in different city neighborhoods, including multi-use courts, community gardens, splash pad areas, shaded seating plazas, and new play equipment.

BACKGROUND

2020-Present
Senior Project Landscape Architect
Weston & Sampson

2017-2020
Project Landscape Architect
Weston & Sampson

2016-2017
Associate Landscape Architect
Sasaki

2013-2016
Landscape Architect
Weston & Sampson

2012-2013
Design Intern
Landscape Architecture
Weston & Sampson

2012
Community Service
Fellow/Brownfields Program Intern
US Environmental Protection
Agency

2010
Landscape Architect Intern
Olmsted Center for Landscape
Preservation

2007-2010
Contract Landscape Designer
The S/L/A/M Collaborative
Architects and Engineers

2009
Landscape Intern
The Fells Historic Estate and
Gardens

EDUCATION

2013
Master in Landscape Architecture
Harvard University

2009
Bachelor of Science
Landscape Architecture
Ecological Design Concentration
Cornell University

2008
Art History Study Abroad
Florence University of the Arts, Italy

Cassie is a registered landscape architect with experience that spans a broad range of projects from planning to built work, with a focus on public parks and open spaces, streetscape design, and urban improvement projects. She has specialized skills in ecological restoration along waterways and stormwater detention basins, and she is interested in the role that an engaged public process plays in making vibrant landscape spaces. Cassie brings to each project strong critical thinking, pragmatism, and a commitment to quality.

**SPECIFIC PROJECT EXPERIENCE**

Comprehensive Design for Centennial Beach Refurbishment, Hudson, Massachusetts. Landscape architect for design and permitting services for the renovation of a popular town-managed swimming beach. Project includes a new bathhouse, renovated old bathhouse for storage, open air pavilion space, beach and landscape restoration, a new accessible path system, extensive stormwater management upgrades, and parking area improvements.

Eastman Conservation Area Improvements, Needham, Massachusetts. Landscape architect for design of upgrades for the Eastman Conservation Area, an outdoor learning laboratory with a varied landscape that includes wetlands, meadows and streams, open bodies of water, uplands, and rock outcroppings. Project included design of boardwalks, at-grade trails, overlooks, piers, and a wide range of other site amenities that help to support the storytelling about wildlife and other environmental features that are unique to this rich and varied conservation landscape.

Arlington Reservoir Master Plan, Arlington, Massachusetts. Landscape architect for the development of a master plan for the Arlington Reservoir property, including an environmental assessment and a land survey. Responsibilities include a comprehensive public engagement program and collaboration with project stakeholders to establish a strategy for the implementation of compelling, appropriate, and sustainable site improvements.

Hedges Pond Recreation Area and Preserve Master Plan, Plymouth, Massachusetts. Involved in the development of the master plan for this area (former Camp Dennen property). Project involved identifying realistic opportunities for uses that considered environmental protection and enhancement; potential reuse of former camp infrastructure; implementation of improvements to meet important recreational needs of residents and the larger community; and potential for revenue generation to offset future maintenance and operations costs.

Percy Rideout Playground, Concord, Massachusetts. Landscape architect responsible for the design of the park expansion and improvements, including tennis and basketball courts, sidewalks/pathways, increased/redesigned parking, a baseball field, and ADA accessible restrooms. Other improvements included the design of a bioretention pond and rain garden for stormwater management, as well as the use of biodegradable mulch under the playground structure, and fencing.

PROFESSIONAL REGISTRATION

Registered Landscape Architect
Massachusetts, No. 4209

HONORS & AWARDS

2009
American Society of Landscape
Architects Award of Merit

Public Outreach Facilitation | Redevelopment of the McIntyre Building, Portsmouth, New Hampshire. Facilitated a comprehensive public outreach process to give all citizens a voice in identifying the elements essential to a successful redevelopment of the Thomas J. McIntyre Building site in downtown Portsmouth. Worked with the city to develop and refine the information and graphic content presented and discussed at each public engagement session. Prepared written meeting summaries for posting to the city's website and use as the 'essential framework' for the city and the development team to follow for the design development phase of the project.

Restoration of John Harvard Mall, Charlestown, Massachusetts. Landscape architect for the development of a master plan and design for the restoration of this historic park/plaza in the Charlestown neighborhood. The project included a robust community involvement program, new pavement treatments, an inclusive playground, accessible routes through the site, a redesigned park entrance, and sustainable design solutions.

Town Hall Plaza Improvements, Arlington, Massachusetts. Landscape architect for the design and construction administration services for improvements to historic Town Hall Plaza. Responsible for establishing an important town gateway, safe and accessible pedestrian connections, carefully selected landscaping, and a vibrant public space for community events, including a wide range of other aesthetic enhancements that are accessible, multi-generational, historically and culturally appropriate. Efforts also include a comprehensive public engagement process.

Pedlocks Island Management & Conceptual Development Plan, Boston Harbor Now. Landscape architect for the development of a master plan for improvements at this historic Boston Harbor Island. Working together with our multi-disciplinary team, subconsultants, BHN, DCR, and the National Park Service, project efforts include extensive site research, public engagement, and a sustainable model for redevelopment. The island is open to the public as a natural, recreational park accessed via ferries.

Fallon Field Playground, Roslindale, Massachusetts. Led the design effort for this playground improvement project and was pivotal to the community outreach process with Roslindale residents. Cassie also completed construction documentation for bidding. Community input was a huge driver to create a unique and innovative playground space, which was built into a hillside. This playground includes many non-traditional play elements, features universal accessibility throughout, and is home to the tallest slide structure in Boston (now an iconic park feature).

Riverfront Park, Watertown, Massachusetts. Landscape architect responsible for developing schematic and design development drawings for the second phase of improvements to this linear park, a Department of Conservation property located along the Charles River. The main component to this second phase of work is to renovate an existing playground that explores adventure/sensory play and serves students at the neighboring Perkins School for the Blind. Improvements also include walking trails, slope stabilization, habitat restoration, and fishing piers along the park's 1/2-mile-long riverfront edge. *(With previous employer)*

BACKGROUND

2018-Present
Team Leader
Weston & Sampson

2017-2018
Project Manager
Weston & Sampson

2014-2017
Landscape Architect
Weston & Sampson

2012-2014
Landscape Architect
Copley-Wolff Design Group

2012
Landscape Architect
The Cecil Group

2011-2012
Landscape Architect
Independent Consulting

2007-2011
Landscape Architect/Associate
DLR Group

2005-2007
Landscape Designer
Geller Devellis Inc.

2003-2005
Assistant Landscape Designer
Mia Lehrer and Associates

2001-2003
Assistant Landscape Designer
Geller Associates

EDUCATION

2001
Bachelor of Landscape Architecture
University of Rhode Island

PROFESSIONAL REGISTRATION

Registered Landscape Architect:
Massachusetts No. 4040

PROFESSIONAL SOCIETIES

American Society of Landscape
Architects (ASLA, BSLA)

Council of Landscape Architecture
Registration Board (CLARB)

Brandon is a landscape architect with more than 15 years of experience in innovative design and master planning. His areas of expertise include urban parks, natural resource conservation and rehabilitation, academic and corporate campuses, and high-density mixed-use urban developments. He has managed projects associated with planning land use area development, including work with sensitive and complex issues related to environmental concerns, sustainability, and historic preservation. Brandon routinely collaborates with public officials, state agencies, and external consultants on multiple projects concurrently.

**SPECIFIC PROJECT EXPERIENCE**

Redevelopment of Riverfront Park, Springfield, Massachusetts. Landscape architect for the development of renovation/restoration strategies as part of a master plan for this riverfront property, including park upgrades and infrastructure improvements. Plans for redevelopment of the park include universal accessibility; site/pedestrian access and connectivity; horticultural and landscaping; an interactive water feature; and improvements to signage, performance spaces, lighting, and utility connections.

Boston Common Master Plan Update, BPRD, Boston, Massachusetts. Provided landscape architecture/project management services for recently completed updates to the "Boston Common Management Plan," which was first adopted by the Boston Parks Commission in 1996.

Pathway and Entrance Improvements at Boston Common and Public Garden, Boston Massachusetts. Provided landscape architecture/project management services for pathway enhancements, including landscape site design/improvements and historic preservation/restoration. Improve the pathways and entrances to the Boston Common, the Public Garden, and Commonwealth Avenue Mall. Responsible for completing a thorough assessment of existing entrance and pathway conditions and a prioritized improvement program. Efforts involved working closely with multiple stakeholders and the Boston Landmarks Commission.

Langone Park and Puopolo Playground, Boston, Massachusetts. Project manager responsible for working with the Boston Parks and Recreation Department to develop final designs and obtaining permits for the complete refurbishment of this signature waterfront park in Boston's historic North End. The recreational lifeline for Boston's most densely developed community, the park also provides a critical link within Boston's HarborWalk network. Design efforts include lighting, benches, interpretive signage conveying the unique historical and environmental heritage of this site, and coastal resilient strategies.

Improvements to Buzzards Bay Park, Bourne, Massachusetts. Project manager responsible for improvements to Buzzards Bay Park, a signature waterfront park located on the Cape Cod Canal. Led the planning, design, and construction of park improvements including a splash pad, pathways/connections, landscaping/ plantings, seating areas, and a picnic/gathering pavilion, among other amenities

and enhancements.

Weir Riverfront Park (former FB Rogers site), Taunton, Massachusetts. Worked with Weston & Sampson's in-house licensed site professionals, engineers, and permitting specialists to fully integrate the design of Weir Riverfront Park with the site cleanup strategy for the former FB Rogers site. Created the new park on the edge of the Taunton River, adding to the city's open space system.

Improvements to John Harvard Mall, Boston Parks and Recreation Department, Charlestown, Massachusetts. Provided landscape architecture and design services related to the historic restoration and improvements to this urban park and plaza, including entry areas, pathways, sitting areas, and a playground. This project involved a rigorous public engagement process, ADA compliance/accessibility accommodations, tree preservation, and sustainable design solutions.

Improvements to Lincoln Park, Somerville, Massachusetts. Landscape architect for design/landscape architecture services for the existing park, including open space improvements, active and passive play recreational features, athletic fields, educational opportunities, carefully curated planting selection, and a unique stormwater collection and management system. Project work also included a comprehensive public participation program, including a detailed visual representation effort, and construction administration services.

Harambee Park Master Plan, Boston Parks and Recreation Department, Dorchester, Massachusetts. Landscape architect for the master planning of Harambee Park, one of the city's largest open space assets. Efforts included inventory and analysis of all park features, identification of deficiencies and safety hazards, soil and survey analysis, circulation analysis, athletic facilities assessment and recommendations, vegetation enhancement and management recommendations, a public participation/communication program, and a detailed construction cost estimate for the final recommended improvements.

Children's Park Improvements, Boston Parks and Recreation Department, Roxbury, Massachusetts. Landscape architect for the renovation of and updates to the current Children's Park, which involved acquisition of two vacant properties, expansion of the site, inclusion of multi-generational park amenities, and a significant community participation component. Design efforts included park layout/design, equipment selection, site-specific vegetation/plantings, and development of before/after site imagery for use in community outreach/involvement efforts.

Improvements to LoPresti Park, East Boston, Massachusetts. Provided design, permitting, and construction administration work for this Boston Parks and Recreation Department project, which involved construction of a state-of-the-art synthetic turf field (funded in large part by the United States Soccer Association), realigning pedestrian connections, rotating fields for game play and practice to allow for a more efficient use of the site, and positioning the most-used elements of play for improved park safety and access.

Kennedy Senior Center Park, Quincy, Massachusetts. Developed park plans that included a universally accessible walking trail, open air pavilions, a greenhouse, formal gardens, open lawns, fitness amenities, and bocce and horseshoe courts for a new \$1.6 million, 4.25-acre park with activities to promote successful aging and provide senior residents with opportunities for staying engaged in the community.

BACKGROUND

2020-Present
Senior Project Landscape Architect
Weston & Sampson

2017-2020
Project Landscape Architect
Weston & Sampson

2014-2017
Landscape Architect II
Weston & Sampson

2012-2014
Landscape Designer
Landworks Studio

2012
Landscape Design Intern
Hargreaves Associates

2011-2012
Landscape Design Intern
Boston Parks/Urban Wilds/Student
Conservation Association

2011
Design+Build Intern
Sol LeWitt Summer House

2010
Landscape Design Intern
Weston & Sampson

EDUCATION

2012
Master of Landscape Architecture
Rhode Island School of Design

2001
Bachelor of Arts
Economics
Denison University

PROFESSIONAL REGISTRATION

Registered Landscape Architect
Massachusetts No. 4236

Cassidy is a landscape architect in the firm's design program. His background includes schematic design plans, design development, construction documentation, and project management. He has developed designs through a variety of mediums, including hand sketches, AutoCAD, digital graphics, and model making.

**SPECIFIC PROJECT EXPERIENCE**

Mill Brook Corridor and Wellington Park, Arlington, Massachusetts. Provided landscape design services for the revitalization of Mill Brook corridor and Wellington Park. Project includes site improvements, vegetation management planning, invasive species removal/control, and bank restoration.

First & Railroad Street Park/Playground, Fitchburg, Massachusetts. Landscape designer for renovations to this important community park. Upgrades included benches, picnic areas, pathways, plantings, informational signage, and a basketball court. Coordinated our efforts in partnership with the Montachusett Opportunity Council, a local community group.

Improvements to Parkhill Park, Fitchburg, Massachusetts. Landscape designer for the development of state-of-the-art play facilities and the restoration of passive wetland resource areas within this dramatic 50-acre Works Progress Administration (WPA)-era park. The playground and water spray park improvements added to the range of existing facilities at this regional park. Improvements also included storm drainage and a renovated bathhouse.

Coes Reservoir Park, Worcester, Massachusetts. Provided landscape architecture services for the development of a master plan and multiple phases of park improvements for public open space lands surrounding Coes Reservoir. Worked collaboratively with our environmental team on this project that involves cleanup of the former Coes Knife property and dam in conjunction with the park design. Improvements to date include a pedestrian bridge, relocation of historic structures, parking facilities, design and construction of the city's premier universally accessible children's playground, and establishment of a continuous greenway corridor along the western, southern, and eastern edges of the reservoir.

Children's Park Improvements, Boston Parks and Recreation Department, Roxbury, Massachusetts. Provided landscape design services to renovate and update the current Children's Park, which involved acquisition of two vacant properties, expansion of the site, inclusion of multi-generational park amenities, and a significant community participation component.

Improvements to Lincoln Park, Somerville, Massachusetts. Landscape designer for design services and landscape architecture improvements to the existing park, including open space improvements, active and passive play recreational features, athletic fields, educational opportunities, and a unique stormwater collection and management system.

Improvements to LoPresti Park, Boston Parks and Recreation Department, East Boston, Massachusetts. Design, permitting, and construction administration work for this project, which included realigning pedestrian connections, rotating fields for game play and practice to allow for a more efficient use of the site, and positioning the most-used elements of play for improved park safety and access. Also worked on the initial conceptual design for a fountain plaza in the park.

Worcester Common Restoration, Worcester, Massachusetts. Landscape architect for the \$5 million restoration of historic Worcester Common, located downtown adjacent to the historic high-empire style Worcester City Hall. Provided landscape architect support for the reestablishment of historic pedestrian linkages and entrances; enhancement of the site's monuments, memorials, and burial grounds; expansion of green space; and new amenities for civic and cultural events and activities.

Improvements to Byram Park, Greenwich, Connecticut. Provided landscape architecture assistance as part of the design and engineering of a new park and public outdoor pool facility with a large zero-depth entry pool with lap lanes, splash pad, and kiddie pool to replace an outdated facility on the site.

Institute Park Comprehensive Master Plan, Worcester, Massachusetts. Provided landscape architecture assistance for the construction administration phase resulting from the comprehensive master plan for this important property adjacent to Worcester Polytechnic Institute (WPI), including significant public participation. The project included improved performance facilities; improved park aesthetics; active and passive recreation options; edge improvements; utility system upgrades; a cleaner, safer, and "greener" park; improved access and circulation; and ADA compliance.

Universal Playground Design, Cambridge, Massachusetts. Landscape architect for the design and construction of a new universal playground within the existing Danehy Park located in North Cambridge. The new accessible playground will include accommodations for physical, sensory, and social needs. Park design efforts also involve a water play area, site access/circulation, parking, and stormwater management.

Robbins Farm Field Renovations, Arlington, Massachusetts. Project manager responsible for providing schematic design, design development, construction documents, bid phase services, and construction administration for upgrades and improvements to Robbins Farm Park. Project included a comprehensive community outreach and engagement component.

Nipper Maher Playground Improvements, Waltham, Massachusetts. Provided landscape architecture assistance for Phase 6 of a multi-phase improvement project at this important park and open space facility. Site improvements included concession building renovations, major baseball and Little League field improvements, installation of bleacher systems with shade shelters, pathway systems, park landscaping, and the placement of a variety of site furnishings and amenities throughout the property.

BACKGROUND

2020-Present
Senior Project Landscape Architect
Weston & Sampson

2018-2020
Project Landscape Architect
Weston & Sampson

2013-2018
Landscape Architect
Weston & Sampson

2012-2013
Interpretive Ranger and Historic
Researcher
National Park Service

2011
Modeling Consultant for Local
Office Landscape Architecture, as
well as Harvard Professor Jane
Hutton

2011
Intern
Michael Van Valkenburgh and
Associates

2011
Labor and Prairie Restoration
Foreman
Willow Lake Farm

2006
Environmental Research Assistant
California Institute of Technology

EDUCATION

2013
Master in Landscape Architecture
Harvard University

2010
Bachelor of Environmental Design
Sustainable Studies Concentration
University of Minnesota

**PROFESSIONAL
CERTIFICATION**

Registered Landscape Architect
Massachusetts, No. 4221

Certified Playground Safety
Inspector (CPSI) No. 33340-1218

Michael is a landscape architect with specialized skills in 3-D modeling and visual representation. He is also experienced in native landscape planting, environmental research, construction detail development, and playground safety systems.

SPECIFIC PROJECT EXPERIENCE

Field and Playground Master Plan, Highlands Park, Newton, Massachusetts. Provided landscape design services for a preferred site improvements plan that serves as a guide for future development of this park, as well as a tool to secure funding from various private, city, state, and federal sources.

Responsibilities included helping to develop a conceptual and final "Preferred" master plans in response to the needs of the city, as expressed by various community representatives at a series of public hearings and through the issuance of a comprehensive Park User Survey.

Revitalization of Draw Seven Park, Massachusetts Department of Conservation & Recreation. Landscape architect for the revitalization of signature park along the banks of the Mystic River in Somerville, Massachusetts. Work includes providing urban design/landscape architecture, sustainability/resiliency, utility infrastructure, waterfront engineering, environmental permitting, architecture, facilities planning, public participation, and cultural resource planning services to redesign and revitalize this high-visibility waterfront space.

First and Railroad Street Park/Playground, Fitchburg, Massachusetts. Landscape designer for renovations to this important community park. Upgrades included benches, picnic areas, pathways, plantings, informational signage, and a basketball court. Coordinated our efforts in partnership with the Montachusett Opportunity Council, a local community group.

JJ Lane Park, Natick, Massachusetts. Landscape design services for the development of a new neighborhood park and playground that involved the creation of a children's play area with seating/shelter, loop pathways, a small park support structure, new parking areas, innovative stormwater management techniques, a pedestrian bridge, and a variety of other passive and active recreational elements.

Conservation Area, Outdoor Classroom, Boardwalk, and Sports Field Upgrades and Improvements, Needham, Massachusetts. Landscape designer for the athletic fields (youth baseball and multi-purpose rectangular fields) and accessible trail, boardwalk, and outdoor classroom for the Eastman Conservation Area at Newman Elementary School in Needham.

Improvements to LoPresti Park, Boston Parks and Recreation Department, East Boston, Massachusetts. Provided design, permitting, and construction administration work for this waterfront project, which included realigning pedestrian connections, rotating fields for game play and practice to allow for a more efficient use of the site, and positioning the most-used elements of play for improved park safety and access. Sea level rise and site resiliency were researched and considered throughout the design process. Iterations of sea wall protection were explored to find balance between defense against the rising sea and day to day



HONORS & AWARDS

2008
Engineering Design for the
Developing World Contest Winner

access. Ultimately, granite sea wall blocks in a staggered pattern were installed to diffuse wave action during extreme high tide conditions.

Mayor Thomas M Menino Park, Charlestown, Massachusetts. Landscape designer for the development of this waterfront site into a new, highly successful and universally accessible park and playground that incorporates adaptations for anticipated sea level rise. Developed paving designs and colors for the universally accessible playground area, detailed the historic reuse of industrial keel blocks as seating elements, and developed a low-cost construction system and native sedum/grass planting mixes for the proposed bulkhead meadow. The park also includes an accessible harborwalk with informational signage and spectacular views of the city and the water.

Warren and Waldstein Parks, Brookline, Massachusetts. Supported the design team in leading extensive public outreach for these two neighborhood parks to craft renovation solutions that would respond to the recreation and open space needs of the community. Assisted with initial design conceptions, construction document production, and presentation graphics for public meetings.

Lincoln Park, Somerville, Massachusetts. Provided design and construction services for the development and refinement of the Lincoln Park design throughout the public participation and construction documentation phases. Also assisted with the on-site layout of materials and patterns for the school yard and playground areas. Work at the park included open space improvements, active and passive play recreational features, athletic fields, educational opportunities, and a unique stormwater collection and management system.

North Street Veterans Playground, Somerville, Massachusetts. Assisted with improvements to this neighborhood park, including updated playground equipment, accessible rubber safety surfacing, a half-basketball/soccer court, tennis bounce board, splash pad, a café seating area, much-needed green space and plantings, and sustainable design features.

Improvements at Crocker Playground, Fitchburg, Massachusetts. Landscape architect for this important park that supports the neighborhood and larger surrounding community. Work included the addition of a new interactive water play facility to the existing park that includes the playground, a basketball court, and two open play fields. Improvements included the construction of the splash pad, installation of new utilities improvements, as well as a shade shelter, park benches, pathway systems, and related site amenities.

Powers Farm Conservation Area, Randolph, Massachusetts. Landscape designer for the planning and design of this former working farm acquired by the town for use as a passive recreation resource that connects directly to downtown. Project work involved incorporating a pavilion, parking facility, play area, and perimeter pathway to allow for universal access and community use.

BACKGROUND

2020-Present
Project Landscape Architect
Weston & Sampson

2019-2020
Landscape Architect II
Weston & Sampson

2016-2019
Landscape Designer
Weston & Sampson

2015
Researcher
Rewilding Europe

2014
Research Assistant
US Forest Service

2008-2013
Scenic Artist/Production Assistant
Hudson Scenic/Warner Bros.

2001-2007
Landscape Designer/Gardener
Western Kentucky University

2004-2005
Habitat Restoration Associate
Mammoth Cave National Park

EDUCATION

2016
Master of Landscape Architecture
State University of New York
College of Environmental Science
and Forestry

2013
Graphic & Web Design Certificate
Hunter College

2007
Bachelor of Arts
Anthropology
Western Kentucky University

CERTIFICATIONS

Registered Landscape Architect:
Connecticut No. LAR.0001519

ISA Certified Arborist

Erosion & Sediment Control
Training
Trainee SWT#0020-T

OSHA 10-hour Construction
Safety Training

Rachelle is a landscape architect and arborist whose background includes landscape and site design services for a variety of municipal, park, religious institutions, and higher education projects. Her experience includes: parks and recreation master planning, planting design, plaza and public space design, site grading, botanical inventories, trail layout, as well as digital rendering and modeling. Rachelle is proficient in the Adobe Creative Suite, a variety of fine arts, SketchUp, and AutoCAD software.

**SPECIFIC PROJECT EXPERIENCE**

Mill Brook Corridor and Wellington Park, Arlington, Massachusetts. Landscape architect/designer responsible for the revitalization of Mill Brook corridor and Wellington Park, including site improvements, vegetation management planning, invasive species removal/control, and bank restoration.

Bridge Street Pocket Park, Waitsfield, Vermont. Prepared design documents for the construction of a pocket park adjacent to the "Big Eddy" covered bridge in Waitsfield. The park was designed to provide visitors and residents with access to a popular swimming spot on the Mad River, while commemorating the historic footprint of a building destroyed by flooding during Hurricane Irene.

Halfmoon Dog Park Feasibility Study, Halfmoon, New York. Conducted a feasibility study for the development of a dog park with two areas (one for large dogs and one for small dogs). Conceptual design included parking, utility considerations, and site amenities to provide a safe environment for dogs and people.

Portland Park and Fields Complex, Portland, Connecticut. Provided planning and site design services for the development of a multi-field athletic complex and park facility for the town. The complex includes two soccer fields, two baseball fields, an outdoor splash pad, a playground, a recreation building, concessions building, and a multi-use trail network with outdoor fitness stations. Also provided site grading services for this project.

Simsbury Parks & Open Space Master Plan, Simsbury, Connecticut. Landscape architect responsible for the development of the Simsbury Parks & Open Space Master Plan. Conducted extensive field investigations of town owned parks and open spaces to develop recommendations for improvements to facilities and the restoration of degraded natural systems. Developed mapping and recommendations to guide future acquisition of open space to facilitate wildlife passage and to preserve intact landscape corridors.

Development of a Riverbank Vegetation Management Plan, Massachusetts Department of Conservation and Recreation (DCR). Landscape architect responsible for the for development of a Riverbank Vegetation Management Plan for the Charles River Basin within the municipalities of Boston, Cambridge, Newton, and Watertown. The plan included extensive inventory and mapping of 17 miles of existing vegetation, riverbank typologies, and declining trees. Recommendations included phased installations of native vegetation restoration pilot projects

PROFESSIONAL AFFILIATIONS

American Society of Landscape
Architects

International Society of Arboriculture

Society for Ecological Restoration

representing a wide array of shoreline stabilization and biodiversity objectives, as well as guidelines for the removal and management of invasive and noxious vegetation along the shore.

Resilient Massachusetts Action Team (RMAT): Technical Support, Executive Office of Energy and Environmental Affairs (EOEEA), Massachusetts. Landscape architect/arborist for the RMAT Technical Support project for the Massachusetts EOEEA, which will advance priority actions from the State Hazard Mitigation and Climate Adaptation Plan for climate resilient projects throughout the Commonwealth. Work includes developing consistent standards for using climate projection data, guidelines and best practices for implementing the climate resilient standards, and a resilient benefit evaluation web-based tool for use in capital planning.

Vegetative Management Plan for the Head of the Charles Regatta® Reunion Village Hospitality Area, Cambridge, Massachusetts. Landscape designer for the preparation of a vegetation management plan (VMP) on behalf of the HOOCR and in cooperation with the Massachusetts Department of Conservation and Recreation (DCR). Developed this plan on an accelerated schedule to address the need for vegetation/species management by targeting selective invasive and noxious plants along the riverbank at the location of the Reunion Village.

Rondout Riverport Shoreline Restoration and Public Access, Kingston, New York. Site designer for the restoration and stabilization of the shoreline of the Rondout Historic Waterfront area. Conducted extensive desktop and site analysis to understand existing river edge and adjacent property conditions. Design elements include site-specific living shoreline installations to provide riverine and land-based habitat and flood protection, as well as engineered shore stabilization techniques to protect important infrastructure and historic properties.

County of Rensselaer Hudson River Access Plan (with Planning4Places), Rensselaer, New York. Site designer for the preparation of a river access study for the County of Rensselaer. Analyzed potential sites along the river, engaging stakeholders through public meetings, developing and prioritizing recommendations, and creating preliminary concept plans. Sites were evaluated to determine whether improvements would accomplish the goal of providing paddleboat access and which sites would most likely benefit from local stewardship.

Watervliet Reservoir Water Chestnut Project, Guilderland, New York. Conducted extensive field analysis to map the extent invasive water chestnut in the Watervliet Reservoir and developed recommendations for the effective removal and maintenance of the species over the long-term. Water chestnut outcompetes a variety of other aquatic vegetation and creates nearly impenetrable mats across wide areas of water. These mats can be as much as a foot thick and reduce passage of light into the water, which, in turn, reduces dissolved oxygen levels and influences nutrient cycling. The study assessed the current infestation of water chestnut and analyzed the influx of sediment at the inlet of the reservoir at the Normanskill Creek. Costs and recommended removal of water chestnut and wetland restoration in the northern portion of the reservoir were included in the study.

BACKGROUND

2013-Present
Vice President | Practice Leader
Weston & Sampson

2003-2013
Associate
Weston & Sampson

2001-2003
Project Manager/Team Leader
Weston & Sampson

2000-2001
Senior Hydrogeologist
Geosphere Environmental
Management, Inc.

1999-2000
Senior Hydrogeologist
Talkington Edson Environmental
Management, LLC

1998-1999
Eastern Regional Coordinator
Layne New England

1996-1998
Regional Manager
HydroGroup, Inc./
Ground Water Associates, Inc.

1991-1996
District Manager
Ground Water Associates, Inc.

EDUCATION

1984
Bachelor of Arts
Geology, Economics,
Environmental Studies
Williams College

**PROFESSIONAL
CERTIFICATIONS**

40-Hour Training Course for
Hazardous Materials Site Training,
OSHA 29CFR1910.120

**PROFESSIONAL
SOCIETIES**

American Water Works Association
Association of Ground Water
Scientists and Engineers
National Ground Water Association
New England Water Works
Association 2000 Annual
Conference

Blake is Weston & Sampson's Environmental Resources Manager and has over 30 years of experience evaluating groundwater systems, designing permanent systems for extraction and supply, and supervising rehabilitation efforts at municipal groundwater supplies. He has managed over 900 projects involving well rehabilitation, well design, safe yield analysis, hydraulic modeling, and water quality sampling. He has evaluated groundwater supply sources for contamination migration, water quality impacts, emerging contaminants, efficiency, and yield improvements throughout New England, New York, and Pennsylvania for a variety of municipal clients.

**SPECIFIC PROJECT EXPERIENCE****WASM 3 to Shaft 7 Connecting Mains, MWRA, Greater Boston, Massachusetts.**

Provided environmental, permitting, and regulatory support to MWRA's WASM 3 to Shaft 7 connecting mains for planning and design of construction of new 48-inch water pipeline and rehabilitation of Section 59 and 60 of the existing 20-inch water pipeline that traverses through the communities of Arlington, Belmont, Boston, Newton, and Watertown.

Various Water Services, Mixed-Use Housing Development, Plymouth, Massachusetts.

Developed stormwater management, water conservation, and water reuse strategies for a 1,500-home mixed-use development in Plymouth. Work included permitting under local state and federal agencies, designing infiltration systems for recharge of treated effluent, capital costs, and design of a wastewater reuse system for landscape irrigation, and stormwater management designs for over 600,000 square feet of impervious surfaces.

Geothermal Systems for Municipal Buildings, Various Locations, Massachusetts.

Evaluated operational and capital costs, system designs, and permitting requirements for geothermal systems for municipal building projects in Newburyport, Westford, Nashoba, and Stoughton, Massachusetts. These feasibility level assessments ranged from individual municipal facilities (e.g., small fire stations) to large municipal compounds (e.g., wastewater treatment facilities).

Taunton River Watershed Management Plan, Massachusetts.

Project coordinator for a portion of the Taunton River watershed management plan. Evaluated infrastructure impacts on water and wastewater distribution within 40+ towns. This GIS-based analysis included groundwater supply extraction, and domestic and municipal wastewater discharge.

Comprehensive Water Resources Management Plan, Norton, Massachusetts.

Responsible for evaluating water resource issues related to the development of a comprehensive water resources management plan. Work involved scheduled meetings with Citizens Advisory Council to discuss data results, public education methods, and institutional modifications for Norton's future.

PAPERS & PRESENTATIONS

February 2017

Martin, B.A., "Emerging Contaminants: PFAs," MWUA

September 2016

Martin, B.A., "Emerging Contaminants: A Tale of Two Cities," NEWWA

June 2016

Martin, B.A., "Emerging Contaminants: Update on an Evolving Landscape," MCWRS

September 2016

Martin, B.A., "Emerging Contaminants: How Low is Low Enough?," GSWRA

May 2016

Martin, B.A., "Water System Responds to Perfluorochemicals: A Case Study," EBC Site Remediation and Redevelopment Program

March 2015

Martin, B.A., "How to Save an Aquifer-The Pease AFB Story," NEWWA

October 2015

Martin, B.A., "2015 Water Resources and Sustainability Symposium," NEWWA

October 2015

Martin, B.A., "The Water Management Act and I/I," MWUA

September 2015

Martin, B.A., "The Outer Cape Future Water Resource Strategies" 134th NEWWA Conference

September 2002

Martin, B.A. presented "The Use of Low-Cost Micro-Measurement Techniques for Aquifer Monitoring and Safe yield Analysis: A Case Study, Portsmouth, New Hampshire"

October 1990

Martin, B.A. and R.A. Francis, "Long-term VOC treatment effectiveness using pump and recovery methods in a multi-layered aquifer setting," Plainville, CT. Water Pollution Control Federation, 63rd Annual Conference, Washington, DC

Environmental Evaluations for Water Supply, Salem, New Hampshire. Evaluated watershed protection bylaws, landfill impacts, and water quality monitoring programs for town's water supply. Developed a watershed protection initiative consisting of education programs and a water protection committee.

Source Water Asset Program, DEP, Massachusetts. Identified land use patterns, resource protection areas, watershed yields, and potential contamination sources for 27 municipal systems. The grant program included review of protection by laws and the recommendation of necessary changes and implementation plans. The project required coordination of GIS mapping for input in the Massachusetts GIS program.

Comprehensive Water Resource Management Plans, Various Locations, Massachusetts. Managed hydrogeologic investigations for wastewater discharge and nutrient load modeling for comprehensive water resource management plans in Concord, East Bridgewater, Norton, North Reading, and Sudbury, Massachusetts.

Water Supply Services, Various Locations. Evaluated watershed yield and zones of contribution for water supplies in Berwick, East Boothbay, Houlton, and Sunday River, Maine; Derby Center, Jericho, and Ludlow, Vermont; Lee and Troy, New Hampshire; and Frankfurt, Middleville, Newburgh, and Poughkeepsie, New York.

Watershed Evaluations, Various Locations, Massachusetts. Developed and implemented watershed evaluations for point and non-point pollution sources under the State Lakes and Ponds Grant Program. Completed studies in Tyngsborough, Leominster, and Seekonk.

Hobbs Brook Reservoir Evaluations, Cambridge, Massachusetts. Project manager for evaluations for Hobbs Brook Reservoir, a drinking water source for the city. Evaluated limnologic conditions, characterized nutrient inputs from stormwater systems, and developed recommendations for cost-effective stormwater BMPs and an in-lake management program. The characterization included an evaluation of nuisance aquatic vegetation, water quality profiling and an evaluation of historic water quality sampling efforts, both within the reservoirs embayments as well as from stormwater systems.

Watershed Recharge Plan, Sharon, Massachusetts. Developed an integrated GIS-based watershed recharge plan for the town. The plan identified water balance issues from current water withdrawals and return flows from wastewater and stormwater. Using GIS systems, areas were prioritized for recharge and infiltration providing a foundation for future projects and town-based regulation.

BACKGROUND

2012-Present
Permitting Manager
Weston & Sampson

2002-2012
Environmental Scientist
Weston & Sampson

2002
Laboratory Technician
Biomarine Laboratories

1998-2002
Environmental Science Student
Bates College

1998 and 1999
Department of Public Works
Gloucester, Massachusetts

EDUCATION

2002
Bachelor of Science
Environmental Science
Bates College

PROFESSIONAL CERTIFICATION

OSHA HAZWOPPER 40 Hour
Regulations 29 CFR
1910.120 and 1926.65

Army Corps Certified
Wetlands Delineation
June 2003

Tony is an environmental scientist with nearly 20 years of professional experience in the environmental and natural resource management field. He coordinates all aspects of environmental permitting for Weston & Sampson. Working within the fields of hydrogeology, engineering, water resource development, wetlands sciences, renewable energy and construction oversight, Tony has specialized experience with developing permitting strategies that follow stringent permitting requirements for a variety of environmental engineering projects including municipal infrastructure and construction projects, renewable energy siting and development, lake management and dredging, and wetland creation/restoration.

**SPECIFIC PROJECT EXPERIENCE**

Charles River Riverbank Vegetation Management Plan, Massachusetts Department of Conservation and Recreation. Permitting manager for development of the Charles Riverbank Vegetation Management Plan (RVMP), which utilizes an ecological-functions approach and incorporates parts of four communities (Boston, Cambridge, Newton, and Watertown) that play a role in permitting the plan.

Moakley Park Master Plan, Boston Parks and Recreation Department (BPRD), Boston, Massachusetts. Providing support for project management, climate resilience, and interdisciplinary engineering services for the advancement of the Moakley Park Vision Plan. Moakley Park is the largest waterfront park in Boston and is increasingly vulnerable to flooding due to climate change. The project scope includes baseline technical assessments, community engagement, and schematic flood barrier design. Responsibilities for this project include evaluation of permitting requirements for implementation of the Master Plan.

Parks and Recreation Projects, Boston, Massachusetts. Permitting manager for all aspects of the permitting tasks for various parks and recreational projects involving environmental due diligence support, engineering evaluation, and wetlands permitting. Working with landscape architects to provide delineation of resource areas, identification of altered wetlands areas, development of permitting strategies and schedules, permitting of final designs (including playgrounds, turf fields, and water access), and expert testimony at public hearings. Projects included two waterfront parks: LoPresti Park and Mayor Menino Park.

High School Athletic Complex, Danvers, Massachusetts. Provided permitting services for the development of a sports complex at Danvers High School. Work included the development of new synthetic turf field, relocation of practice fields, and the baseball field, all located near a perennial stream and within the 200-foot riverfront area. Worked with the project team to develop a permitting strategy based on several alternatives and permitted the preferred alternative. Provided expert testimony and construction oversight.

Newman School Fields, Needham, Massachusetts. Provided permitting services for the redevelopment of athletic fields behind Newman School, located adjacent

to a conservation area and wetland resource areas. Worked with the project team to develop a permitting strategy for the fields as well as a passive recreational trail through the conservation land. Successfully permitted the project through the local wetland process. Provided expert testimony and construction oversight.

Atlantic Sports Center, Amesbury, Massachusetts. Provided permitting services for the private development of a sports complex, including hockey rinks, office building, and ancillary structures. Worked with the project team to develop a permitting strategy based on several alternatives. Worked to reduce or eliminate the permitting needs by developing a working alternative for development and taking the project through design.

Environmental Permitting Assistance, Various Locations, New England. Provided environmental permitting assistance associated with wetlands impacts and restoration in several communities. Permits included MEPA certification, ACOE General Permit, MassDEP 401 Water Quality Certification, Chapter 91 Licensing, NHESP Notification, and wetlands permitting. Permitting projects have included remediation within Mill Creek and Ashuelot River in Keene; Medfield State Hospital Remediation for the DCAMM; Miller's River restoration and monitoring for MassDOT; Willow Pond Dredging for Look Park in Northampton; Weymouth Sewer Main Replacement and wetland restoration; Salisbury Industrial Park for Salisbury; Kingman Pond Dam for Mansfield; and the Arlington Reservoir Dam, Mill Brook Corridor & Wellington Park, and Robbins Farm Field Renovations and Upgrade project in Arlington.

On-Call Environmental Services, Massachusetts Port Authority Sites, Various Locations, Massachusetts. Provided environmental permitting support for multiple task orders for on-call environmental services, including the dredging of PCB-impacted sediment at Hanscom Field in Bedford, Massachusetts. Supervised wetland monitoring and stormwater compliance of construction impacts associated with the runway improvements at Logan Airport, Boston Massachusetts. Work included filling/dredging of coastal resource areas and associated construction impacts, including stormwater management.

Sailor's Home Pond Dredging, Quincy, Massachusetts. Assisting with the wetlands component of this project which involves the completion of in-pond sediment removal and modification of the local stormwater infrastructure through retrofit stormwater BMPs.

Water Quality and Sediment Sampling, Various Locations, Massachusetts. Designed and ran water quality and sediment sampling and analysis on lakes and ponds throughout Massachusetts. Work was coordinated through grants received by various town agencies, including conservation committees and parks and recreation departments, and consisted of installing piezometers and running tests for bacteria, metals, waste effluent, etc. Projects included the Runnins River in Seekonk, Rockwell Pond in Leominster, Lake Mascuppig in Tyngsboro, and Lake Pearl in Wrentham, Massachusetts.

BACKGROUND

2002-Present
Senior Environmental Scientist
Weston & Sampson

1995-1999
Hydrologist
ENSR
Acton, Massachusetts

1995
Consultant
The Nature Conservancy
Durham, North Carolina

1994
Environmental Specialist
Water Quality Management Division
U.S. Environmental
Protection Agency
Philadelphia, Pennsylvania

1990-1992
Environmental Education/Forestry
Extensionist
United States Peace Corps Benin,
West Africa

EDUCATION

2009
Post-baccalaureate Certificate
Geographic Information Systems
Pennsylvania State University
(Masters level courses in problem
solving with GIS, GIS Database
Development and Environmental/
Water Related GIS Applications)

1995
Master of Environmental
Management
Duke University

1987
Bachelor of Arts
Economics/French

PROFESSIONAL REGISTRATION

Professional Wetland Scientist
(PWS #2520)

PROFESSIONAL SOCIETIES

Society of Wetlands Scientists

Association of Massachusetts
Wetland Scientists

Melvin is a senior environmental scientist in the firm's Environmental Resources group. He has over 20 years of water quality, environmental analysis, and environmental permitting experience.

SPECIFIC PROJECT EXPERIENCE**Sailor's Home Pond Environmental Assessment and Management Plan, Quincy, Massachusetts.**

Conducted an evaluation of Sailor's Home Pond, located at the intersection of Rice Road and Wendell Avenue in Quincy, to address concerns regarding pond water quality due to land use practices, increased fill and sediment, impacts from phosphorus and nitrogen, algal blooms, and reduced vegetation. Collected and reviewed available documents to understand general pond and watershed characteristics and to identify what data gaps needed to be filled. Proposed management options included dredging, increased street sweeping and catch basin cleaning, stormwater pollutant removal (retrofit stormwater BMP), chemical and aeration treatment, modified stormwater infrastructure, and long-term annual monitoring.

Maskwonicut Street Bridge, MassDOT, Sharon, Massachusetts. Identified protected environmental resources within project limits for the replacement of an existing single-span bridge, currently out of service, which carries Maskwonicut Street over the AMTRAK/MBTA railroad tracks in the Town of Sharon. Guided the project through the environmental and historic permitting process for state regulations.

Intersection Improvements Design, Colrain, Massachusetts. Provided services in conjunction with the complete design of intersection improvements at Main Road, Jacksonville Road (Route 112), and Greenfield Road to facilitate traffic movements through the area. Conducted field efforts to identify protected environmental resources and help design the project to minimize environmental impacts.

Charles River Riverbank Vegetation Management Plan, Massachusetts Department of Conservation and Recreation (DCR). Provided permitting services for the development of the Charles Riverbank Vegetation Management Plan (RVMP), which utilizes an ecological-functions approach and incorporates parts of four communities (Boston, Cambridge, Newton, and Watertown) that play a role in permitting the plan.

Vegetative Management Plan for the Head of the Charles Regatta® Reunion Village Hospitality Area, Cambridge, Massachusetts.

Senior environmental scientist for the preparation of a vegetation management plan (VMP) on behalf of the HOCR and in cooperation with the Massachusetts Department of Conservation and Recreation (DCR). Provided permitting guidance for VMP development on an accelerated schedule to address the need for vegetation/species management by targeting selective invasive and noxious plants along the riverbank at the location of the Reunion Village.



North American Lake Management
Society

New England Water Works
Association

PAPERS & PRESENTATIONS

Gong, Gavin; Hickey, Ken; and Higgins, Mel, "Hydrodynamic Flow and Water Quality Simulation of a Narrow River System Influenced by Wide Tidal Marshes," Presented August 1998.

Sung, Windsor and Higgins, Mel, "Trace Metal Levels in the Municipal Wastewater of Greater Boston," Water Environment Research, July 1998.

Sung, Windsor and Higgins, Mel, "Boston Harbor as a Continuous-Flow Stirred Tank Reactor, Use of Mussel Biomonitoring and Effluent Discharge," Boston Society of Civil Engineers, February 1998.

Permitting for the Nantucket Harbor Shimmo and PLUS Parcels Sewer Extension Project, Nantucket, Massachusetts. Providing permitting and wetlands consulting services related to the comprehensive sewer extension project on the island. Responsible for ensuring that all project work meets the stringent environmental permitting requirements. Compiled and submitted permits to the Nantucket Conservation Commission (Notice of Intent), Nantucket Historic Commission (Certificate of Appropriateness) and Massachusetts Endangered Species Act (MESA) office (Project Review).

Phase II Remediation of Former Manufactured Gas Plant, Keene, New Hampshire. Assisting with the wetlands and permitting component of this impacted sediment dredging project. Assisted with preparation of ACOE, NHDES, and local permit applications, including Programmatic General permit, Dredge and Fill permit, and Alteration of Terrain permit.

Furnace Pond Dredging, Pembroke, Massachusetts. Assisting with the wetlands and permitting component of this project which involves improving the ecological and recreational value within Furnace Pond by deepening the pond through the dredging process.

Sailor's Home Pond Dredging, Quincy, Massachusetts. Assisting with the wetlands and permitting component of this project which involves the completion of in-pond sediment removal and modification of the local stormwater infrastructure through retrofit stormwater BMP's.

Stormwater Recharge Siting Study, Pembroke, Massachusetts (SWMI Grant # BRP-2012-06). Worked with the town to create a watershed-based planning tool for enhancing the effectiveness of the Water Management Act permitting process, and to clarify ways to measure and implement mitigation concepts under the SWMI framework. Used advanced GIS technology to select recharge sites through the development and analysis of overlay maps, including soil permeability, saturated thickness, depth to groundwater. LiDAR topography, wetland resources, Water Resource Protection districts, land ownership, impervious cover, and stormwater infrastructure.

BACKGROUND

2018-Present
Team Leader
Weston & Sampson

2014-2018
Project Manager
Weston & Sampson

2008-2014
Structural Engineer
Hart Design Group, LLC

2007-2008
Project Manager
The Torrey Company

2005-2007
Project Manager
Churchill & Banks, LLC

1999-2005
Structural Engineer
Lin Associates, Inc.

1994-1999
Field Engineer
Bechtel Corporation

EDUCATION

1994
Bachelor of Science
Civil Engineering
Worcester Polytechnic Institute

PROFESSIONAL REGISTRATION

Massachusetts (No. 41693)
Rhode Island (No. 7663)
Connecticut (No. 29660)
Kentucky (No. 29965)
Florida (No. 79595)
South Carolina (No. 35047)
Vermont (No. 018.0134531)
North Carolina (No. 048585)

LEED® Accredited Professional

PROFESSIONAL SOCIETIES

American Society of Civil Engineers

Nathan, a team leader in Weston & Sampson's structural engineering department, has more than 25 years of engineering and construction experience. His areas of expertise include reinforced concrete, masonry, structural steel, and timber design, and he is well versed in the International Building Code. His project experience includes design for new construction and renovation of commercial, multi-unit residential institutional and pharmaceutical/industrial buildings; water/wastewater treatment facilities; and bridges. Nathan also has construction management experience and is a LEED® Accredited Professional.

**SPECIFIC PROJECT EXPERIENCE**

Municipal Services Facility, Andover, Massachusetts. Responsible for structural design and construction administration for a new 60,000-square-foot public works facility with vehicle storage, vehicle maintenance, and administration areas. Structure was a one- and two-story pre-engineered metal building.

Department of Public Works and Natural Resources Facility, Orleans, Massachusetts. Responsible for structural design and construction administration for a new 42,000-square-foot public works facility with vehicle storage, vehicle maintenance, and administration areas. Structure was a one-story pre-engineered metal building.

New Public Works Facility, Hopkinton, Massachusetts. Responsible for structural design and construction administration for a new 40,000-square-foot public works facility with vehicle storage, vehicle maintenance, and administration areas. Structure was a one- and two-story pre-engineered metal building.

Consolidated Public Works Department Facility, Waterbury, Connecticut. Responsible for structural design and construction administration for a new 120,000-square-foot facility designed to house all public works operations (administration, shops, highway, parks, refuse) plus a central DPW vehicle maintenance shop, and separate shops for maintenance of fire department vehicles, and police department vehicles. Structure was a combination of new pre-engineered and conventional steel additions on an existing steel structure. Substantial structural modifications were performed on the existing building.

Bridge Reconstruction Services for the Mountain Road over Mill Brook C-05-06 Bridge, MassDOT, Charlemont, Massachusetts. Engineer responsible for providing services as part of the complete reconstruction and relocation of the roadway and the Mountain Road Bridge over Mill Brook. The 16-meter single-span bridge included pre-stressed, pre-cast concrete butted box beams and integral abutments. In accordance with MassDOT requirements, work included survey, final roadway design, design of sidewalks to ADA standards, utility/drainage improvements, geotechnical engineering, detour route selection, and contract documents preparation.

Ireland Street over West Branch Bronson Brook, MassDOT, Chesterfield, Massachusetts. Provided structural engineering services for the replacement of an existing 56-foot single span, steel thru-girder bridge. Responsibilities included performing a bridge type study; developing conceptual bridge plans, evaluating bridge superstructure replacement options of prestressed concrete NEXT beams, steel girders with precast concrete deck panels, and steel girders with shop fabricated concrete decks; and analyzing existing abutments.

Water Street over Blackstone River Bridge, Millbury, Massachusetts. Responsible for structural design and construction administration for the bridge substructure and superstructure design for Mass Highway Department. The superstructure was constructed with prestressed concrete box beams.

Central Artery/Tunnel Project, Boston, Massachusetts. Worked on project to depress a major artery through the city and adding a third harbor tunnel. Responsible for field construction inspection and other construction management duties on portions of the project.

Ayer Commuter Rail Parking Facility for Montachusett Regional Transit Authority (MART), Ayer, Massachusetts. Structural Engineer of Record for the design of a one-level, 79-space elevated parking deck servicing the local commuter rail station. The elevated parking deck was constructed in precast concrete supported on cast-in-place concrete foundations.

Repairs to Existing Marine Industrial Park Central Parking Garage for Boston Planning and Development Agency (BPDA), Boston, Massachusetts. Responsible for managing the repairs to an existing five-level precast parking garage. Scope of work includes structural repairs, waterproofing repairs, joint replacement, drainage replacement, fire protection replacement, and fire alarm renovation. The parking garage remains in service during the repairs.

Brunswick Gardens Middle School (currently Lilla G. Frederick Pilot Middle School), Boston, Massachusetts. Structural engineering for a new 144,000-square-foot composite steel framed structure.

Copeland Building, Mass Maritime Academy, Buzzard's Bay, Massachusetts. Responsible for analyzing the existing structure, developing structural details, and construction administration for the structural renovation of a historic building that included jacking and underpinning the foundation, and seismic and wind bracing.

BACKGROUND

2018-Present
Senior Project Manager
Weston & Sampson

2015-2018
Project Manager
Weston & Sampson

2013-2015
Project Engineer
Weston & Sampson

2005-2013
& 1999-2004
Staff Engineer
Miller Engineering & Testing, Inc.

2004-2005
Geotechnical Engineer
PSI, Inc.

1998-1999
Field Engineer
SMW Seiko, Inc.

EDUCATION

2005
Master of Science
Geotechnical Engineering
University of Massachusetts, Lowell

1998
Bachelor of Science
Civil & Environmental Engineering
University of Massachusetts,
Amherst

PROFESSIONAL REGISTRATION

Professional Engineer:
Massachusetts No. 50328
New Hampshire No. 13858

Tom is a senior project manager in the firm's environmental and geotechnical program. He has over 20 years of experience with geotechnical engineering design and has been responsible for managing multiple ongoing construction projects. His specific areas of expertise include foundation design, retaining wall and slope stability analyses, and dam safety engineering.

**SPECIFIC PROJECT EXPERIENCE**

Massasoit State Park Dam Rehabilitations, Taunton, Massachusetts. Project manager and dam safety engineer for rehabilitation of five earthen embankment dams in Massasoit State Park ranging from 180 to 365 feet long and 10.5 to 18.5 feet tall. The dams are Intermediate Size, High Hazard Structures. The project includes coordination with Massachusetts DCR Office of Dam Safety, environmental permitting, repair of concrete outlet structures, raising the crest of one of the dams, and embankment improvements including slope armoring, and mineral filter construction. Coordinated and completed engineering analyses; prepared drawings and specifications; coordinated environmental permit preparation and presentations; and provided bidding assistance.

East Park and Navy Yard Park, Natick, Massachusetts. Geotechnical engineer for the project which involved renovations to these two parks, including underground utilities, ADA compliant pathways, play equipment, park and drive improvements, restrooms, lighting, sports fields, court replacement, stormwater management systems, and signage.

South Mill Pond Courts and Leary Field Lighting Improvement Project, Portsmouth, New Hampshire. Geotechnical engineer for the project which involved the complete refurbishment of six tennis courts and two basketball courts and the addition of court lighting.

Beach Revetment, Manchester-by-the-Sea, Massachusetts. Geotechnical engineer for the revetment efforts at Singing Beach in the coastal town. The goal of improving the existing revetment structure is to preserve and protect the shoreline at Singing Beach against erosion and sea level rise. Responsible for coordination with the Conservation Agent and the contractor.

East Park and Navy Yard Park, Natick, Massachusetts. Geotechnical engineer for the project which involved renovations to these two parks, including underground utilities, ADA compliant pathways, play equipment, park and drive improvements, restrooms, lighting, sports fields, court replacement, stormwater management systems, and signage.

White Memorial Pool, Rutland, Vermont. Senior geotechnical engineer assisted with constructability issues and a dewatering plan for the contractor to successfully implement in a deep excavation adjacent to Moon Brook with a high-water table and soft soils.

Arbor Way Retaining Wall Assessment, Fitchburg, Massachusetts. Project manager for the Arbor Way retaining wall assessment, which included a condition

assessment of the failing wall and recommendations for design repairs.

Newman School Athletic Fields & Eastman Conservation Area Improvements, Needham, Massachusetts. Geotechnical engineer for this project to design boardwalks/trail improvements and sports field upgrades to the Eastman Conservation Area, which serves as an outdoor learning laboratory for the elementary school.

Emery Field Multi-Use Fields and Pathways Project, Kittery, Maine. Geotechnical engineer for the project which included the construction of a multi-use athletic field with subsurface drainage system and irrigation system and an ADA-compliant walking path that links all facilities, to be shared by service vehicles and emergency vehicles.

Clesson Brook Road State Bridge #B-28-010 Replacement, Buckland, Massachusetts. Geotechnical engineer for replacement of the existing bridge over Clesson Brook. The project included removal of the existing single span bridge (33-foot-long span) with a new concrete arch bridge with a 51-foot-long span. Coordinated geotechnical fieldwork and laboratory testing, completed engineering analyses, and prepared a technical report including geotechnical earthwork and design recommendations. It was recommended that the abutments and wing-walls were supported by conventional shallow spread footings bearing on the native glacial till.

Shady Hill School Repair, Cambridge, Massachusetts. Geotechnical project manager for the 6th and 8th grade building repair and modification project at the Shady Hill School. Prepared project scope and budget, coordinated geotechnical fieldwork, completed engineering analysis, and prepared a technical report. Conducted a geotechnical evaluation of the perimeter foundations of the 6th grade building that had exhibited structural distress, and the 8th grade building where water had infiltrated the basement level and the non-structural basement slab had partially collapsed. Recommended underpinning the 6th grade building foundation with helical piers to correct the structural deficiencies. Recommended replacement of the 8th grade basement slab with a slab structurally connected to existing pressure-injected-footing deep foundations. Also recommended a perimeter cut-off wall and drainage system to prevent water infiltration into the basement area.

Alewife Brook Shopping Center, Cambridge, Massachusetts. Geotechnical engineer for the approximately 50,000-square-foot building. Coordinated geotechnical fieldwork and laboratory testing and completed engineering analyses and a technical report including recommendations the proposed site development. Addressed geotechnical considerations including up to 15 feet of urban fill and organic materials and relatively shallow groundwater below the building area. Recommended compacted stone columns for improvement of the existing fill and organic soils to support a conventional shallow foundation and slab-on-grade and reduce excavation and disposal of potentially contaminated soils. Provided the design and construction teams with geotechnical engineering support and managed observation of geotechnical-related aspects of earthwork, ground improvement, and foundation construction.

BACKGROUND

2019-Present
Senior Project Manager
Weston & Sampson

2015-2019
Project Manager
Weston & Sampson

2013-2015
Project Engineer
Weston & Sampson

2011-2013
Project Engineer
RH2 Engineering

2002-2011
Engineering Technician
Thornton Engineering

2001-2002
Engineering Technician
Precision Structural Engineering

EDUCATION

2002
Bachelor of Science
Civil Engineering
Oregon Institute of Technology
Magna Cum Laude

PROFESSIONAL REGISTRATION

Professional Civil Engineer:
Massachusetts No. 50675
Maine No. 13334
New Hampshire No. 14212
Oregon No. 69365
California No. 80272

PROFESSIONAL AFFILIATIONS

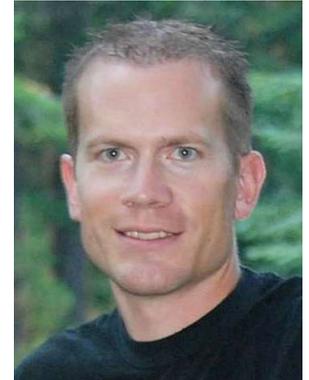
Boston Society of Civil Engineers
Section of the American Society of
Engineers (BSCES)

American Water Works Association
(AWWA)

New England Water Works
Association (NEWWA)

Professional Engineers of Oregon

James, a project manager at Weston & Sampson, has more than 15 years of experience in design, analysis, and construction for a diverse range of projects, including water distribution systems, sewer pipelines, storm drainage conveyance and treatment systems, site planning and design, and structural and roadway design. His skills include computer-aided site/infrastructure design and modeling, hydrology and hydraulic analysis, floodplain modeling, structural modeling, and surveying.

**SPECIFIC PROJECT EXPERIENCE**

Newton Highlands Playground, Newton, Massachusetts. Site/civil engineer for park/playground improvements generated in response to the needs of the city as expressed by various community representatives at a series of public hearings and through the issuance of a comprehensive Park User Survey.

Langone Park and Puopolo Playground, Boston, Massachusetts. Site/civil engineer responsible for reviewing on-site grading and drainage to ensure project compliance with Massachusetts DEP stormwater policy and BWSC criteria and ensure proper site drainage. Design efforts include sizing, design, and specifications of on-site drainage facilities and coordination with landscape design to ensure a seamless design.

Harambee Park, Boston Parks and Recreation Department, Dorchester, Massachusetts. Site/civil engineer for Phase 1 Improvements to Harambee Park, one of the city's largest open space assets. Efforts included record research of existing utilities, field investigation of on-site drainage, sewer and water infrastructure, and coordination with proposed design to mitigate utility conflicts. Design effort also included sizing of on-site storm drainage systems to meet BWSC criteria.

Fallon Field Playground, Boston Parks and Recreation Department, Roslindale, Massachusetts. Site/civil engineer for improvements to Fallon Field Playground in Roslindale. The project involved the installation of new playground equipment, surfacing, and pedestrian walks. Efforts included review of landscape grading and drainage design and recommendations and design direction to the design team to ensure compliance with BWSC stormwater policy.

Hobart Park Improvements, Boston Parks and Recreation Department, Brighton, Massachusetts. Site/civil engineer for improvements to Hobart Park in Brighton. The project involved the re-design of recreational space and the addition of a water play feature. Efforts included review of landscape grading and drainage design and recommendations and design direction to the design team to ensure regulatory compliance and technical feasibility for proposed stormwater improvements and water service connections.

Improvements to Buzzards Bay Park, Bourne, Massachusetts. Site/civil engineer responsible for improvements to this signature waterfront park located on the Cape Cod Canal. Park improvements include a splash pad, pathways/connections, landscaping/plantings, seating areas, and a picnic/gathering pavilion, among

other amenities and enhancements.

Comprehensive Design for Centennial Beach Refurbishment, Hudson, Massachusetts. Site/civil engineer for renovation of a popular town-managed swimming beach. Project includes a new bathhouse, renovated old bathhouse for storage, open air pavilion space, beach and landscape restoration, a new accessible path system, extensive stormwater management upgrades, and parking area improvements.

Distribution Center Site Work, Taunton, Massachusetts. Developed site design plans, drainage plans and calculations, and wetland replication design and grading for the expansion of a private developer's distribution center.

Site Plan Peer Review, Tewksbury, Massachusetts. Performed peer review services for site development plans in conformance with the town's subdivision rules and regulations.

Water Treatment Plant Site Work, Chatham, Massachusetts. Designed yard piping, site grading, and infiltration system for a 1-mgd water treatment plant.

Water Treatment Plant Site Work, Norton, Massachusetts. Designed yard piping, site grading, and residuals lagoons for a new treatment plant.

DPW Facility Roadway Plans, Wayland, Massachusetts. Developed roadway design plans for an access route to the new Wayland DPW facility. Design included roadway grading, culvert replacement, critter passages, drainage design/calculations, and habitat/wetland mitigation measures.

Mill Brook Corridor and Wellington Park, Arlington, Massachusetts. Provided site/civil engineering support for the revitalization of the Mill Brook corridor and Wellington Park. Project work includes site improvements, vegetation management planning, and bank restoration.

Atlantic Sports Center, Amesbury, Massachusetts. Worked with a private developer to develop site plans for a 400,000-square-foot ice hockey facility on a 40-acre parcel of land. Work included development of existing conditions mapping, conceptual design, planning board and conservation commission permitting, and development of construction plans. Design included 800 parking spaces, utilities, stormwater management features, an access road network and large retaining walls to make a challenging hilltop site suitable for development of a large facility.

LOUISE LEVINGSTON COVE

Community Preservation Committee Hearing
June 8, 2021



Agenda

1 PROJECT GOALS AND SCHEDULE

2 NEIGHBORHOOD CONTEXT/ EXISTING CONDITIONS

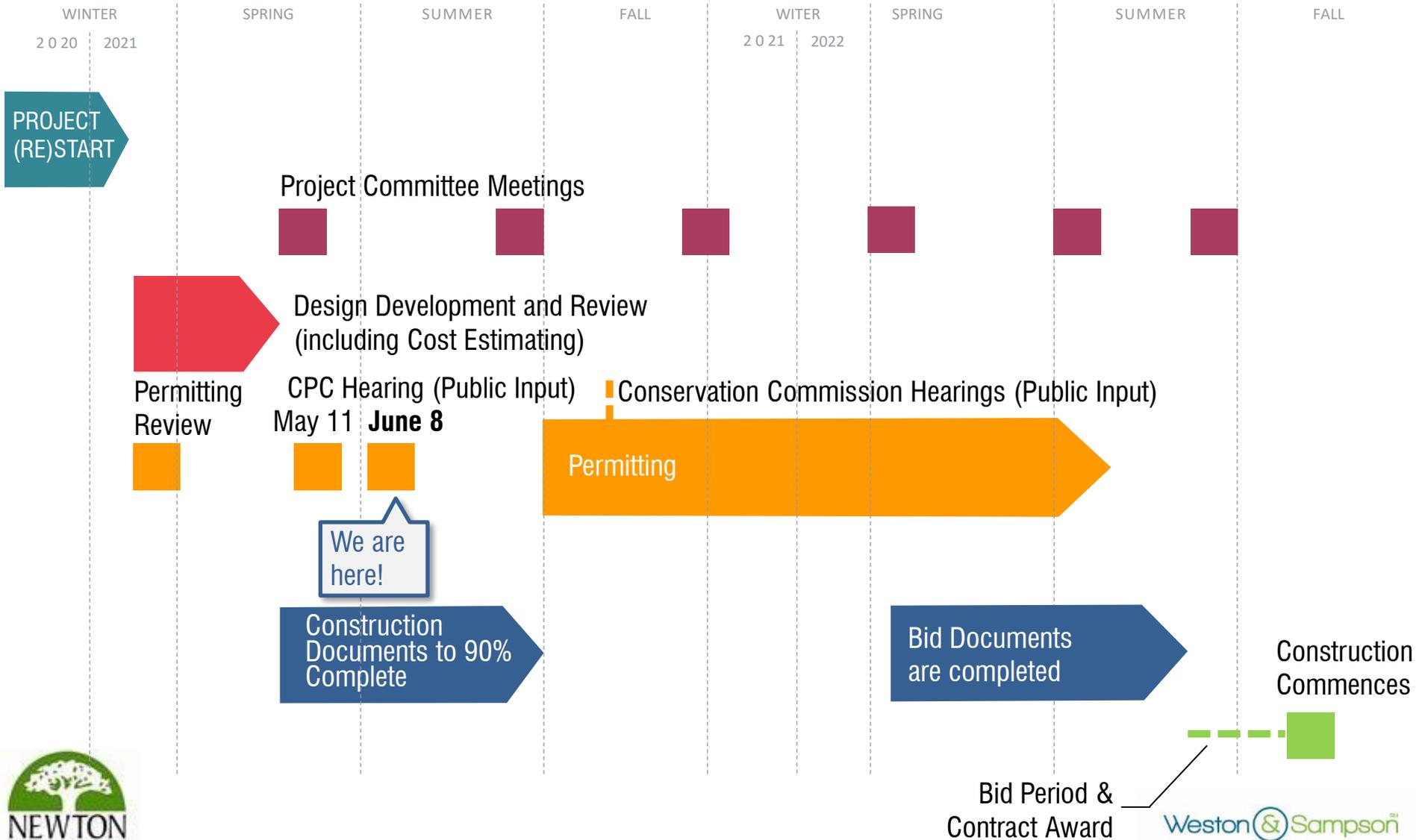
3 PLANNED IMPROVEMENTS

4 NEXT STEPS

Project Goals

- 1 ENSURE THROUGH PEDESTRIAN MOVEMENT
- 2 PRESERVE AND ENHANCE OPPORTUNITIES FOR PASSIVE RECREATION AND FISHING
- 3 ENSURE ACCESSIBILITY ACROSS THE SITE
- 4 IMPROVE HOW STORMWATER MOVES AND IS CAPTURED ON SITE
- 5 CREATE A LANDSCAPE THAT IS STABLE AND SUSTAINABLE
- 6 ENHANCE AND PROTECT VIEWS
- 7 IMPROVE WATER QUALITY

Project Schedule



Neighborhood Context



281-21



Newton Centre
T

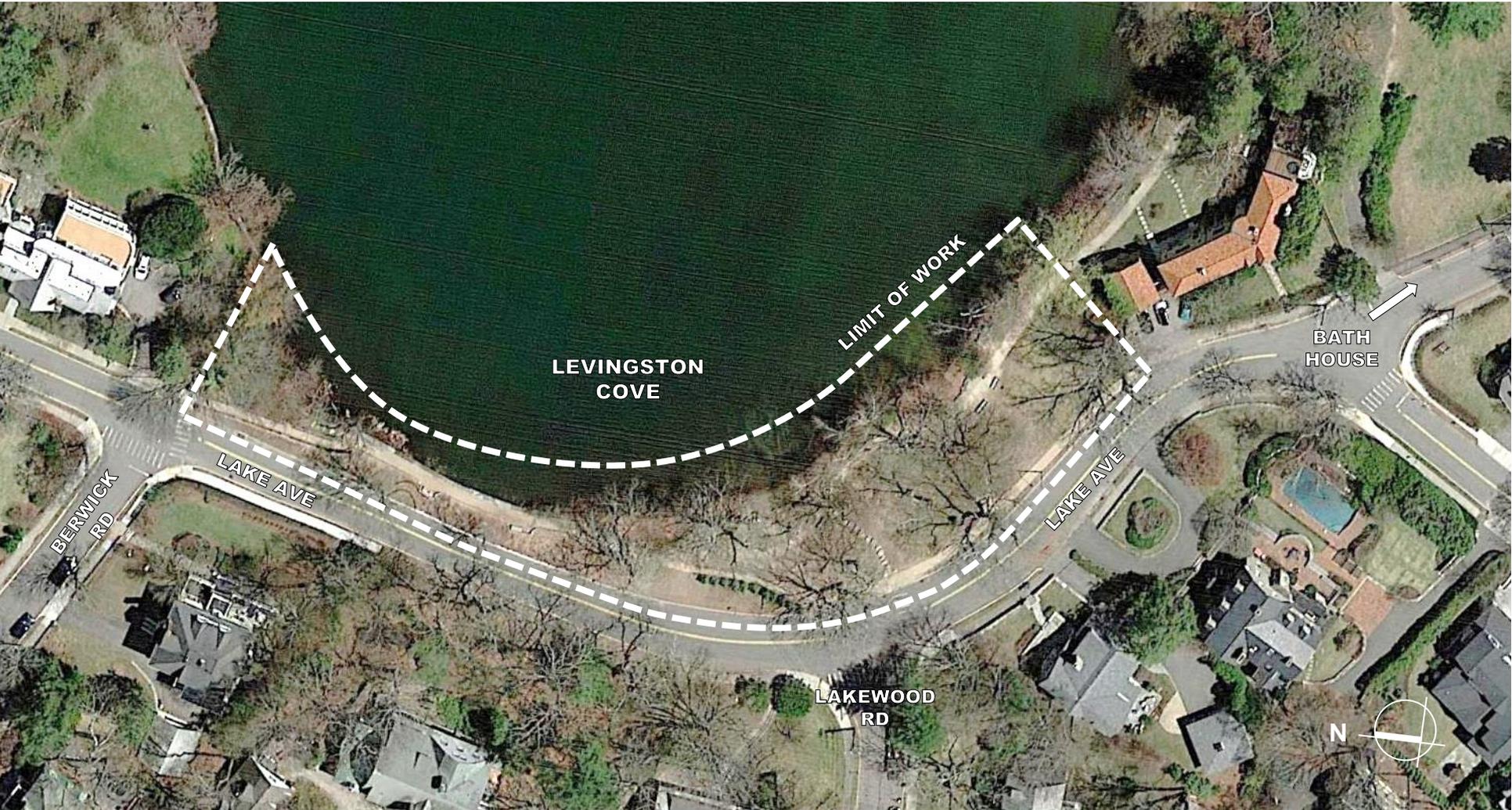
**LEVINGSTON
COVE**

Crystal Lake

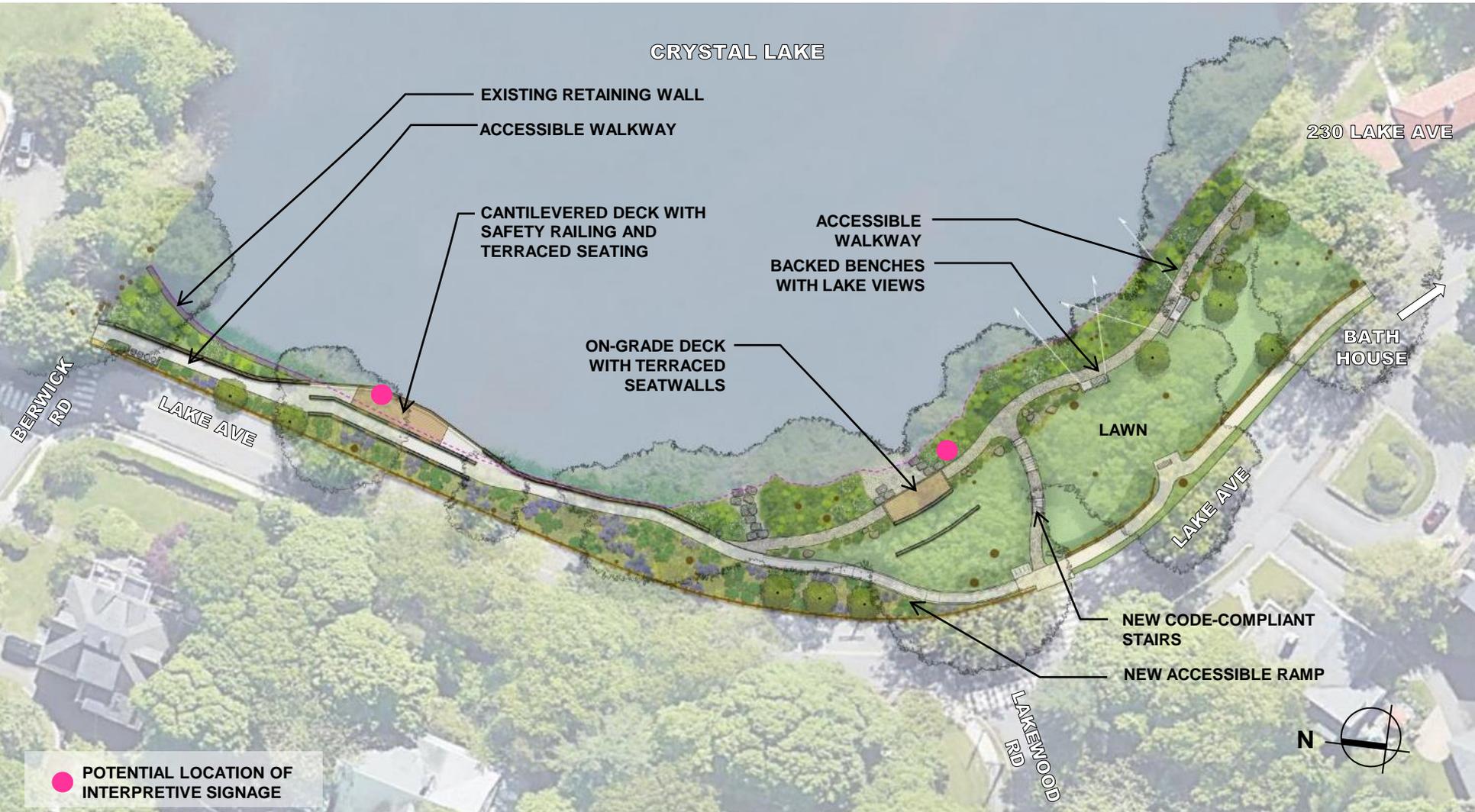
Weeks Park

Newton Highlands
T

Existing Conditions



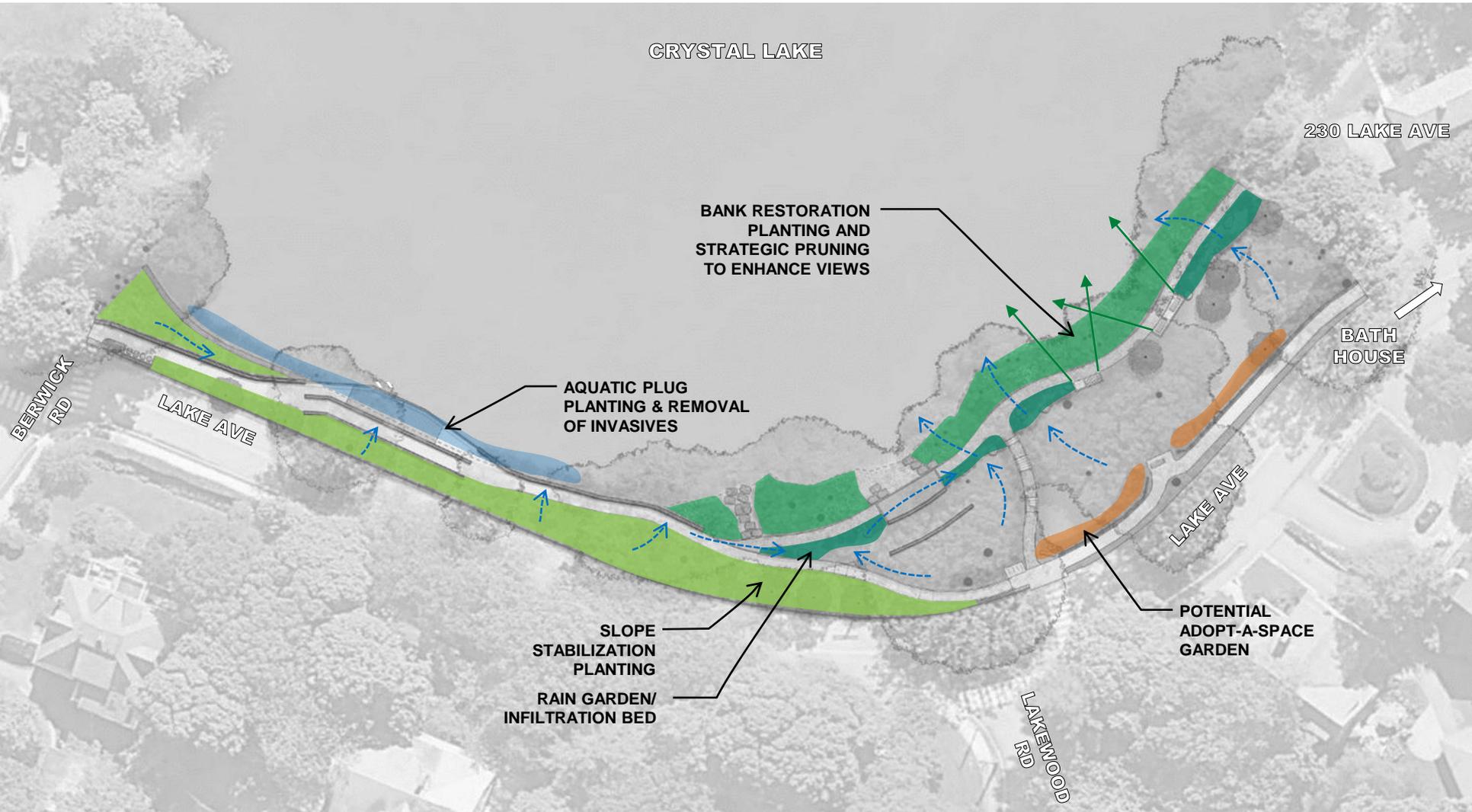
Planned Improvements to Levingston Cove



Planned Improvements to Levingston Cove



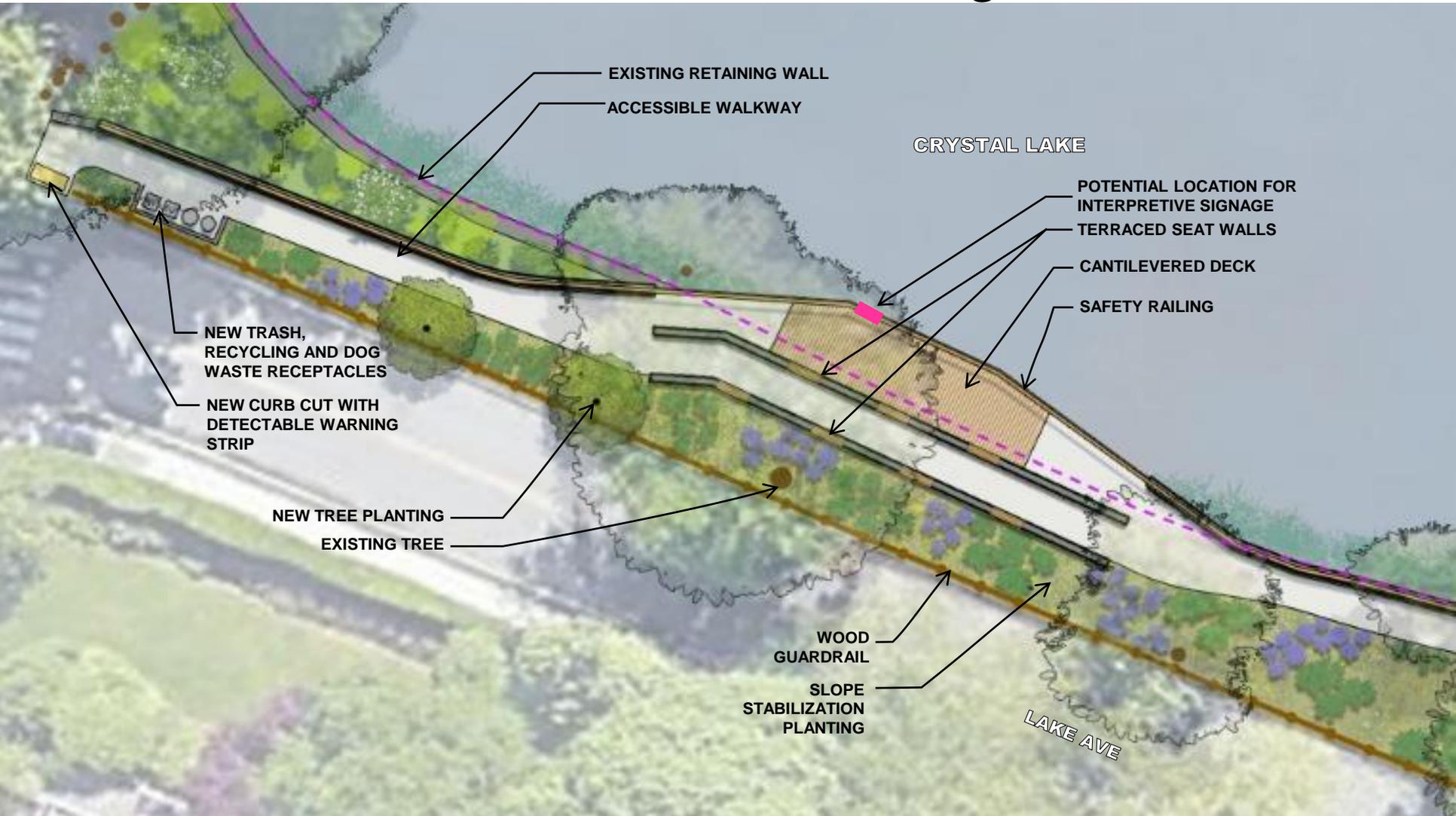
Proposed Planting Areas & Stormwater Flow



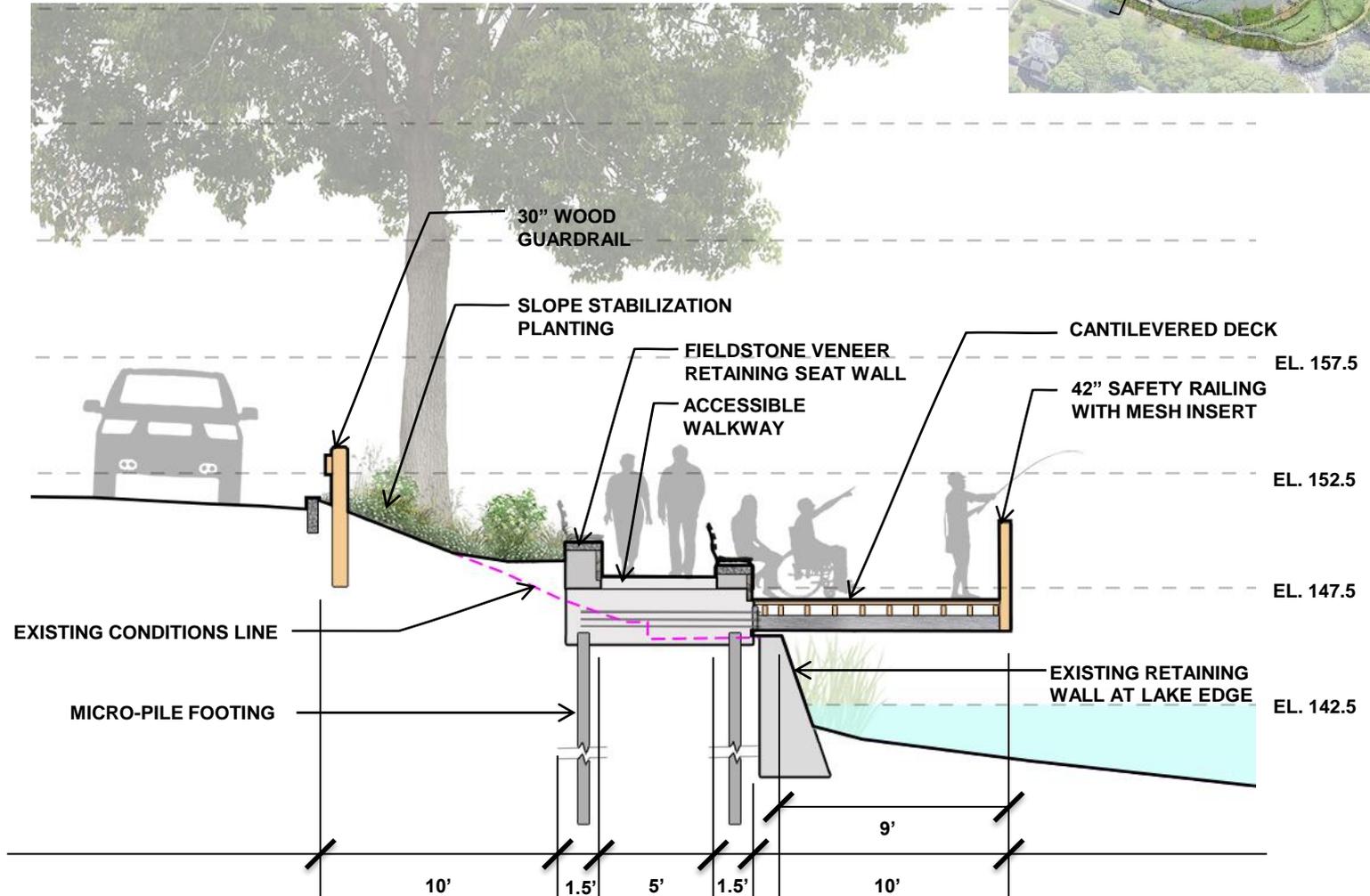
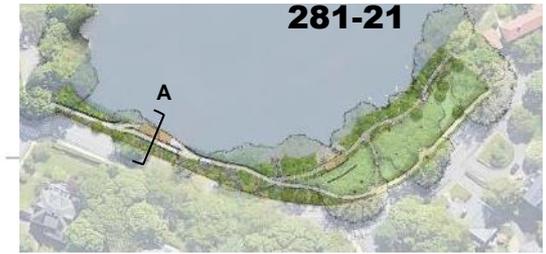
Existing Concrete Wall



Cantilevered Deck and Terraced Seating



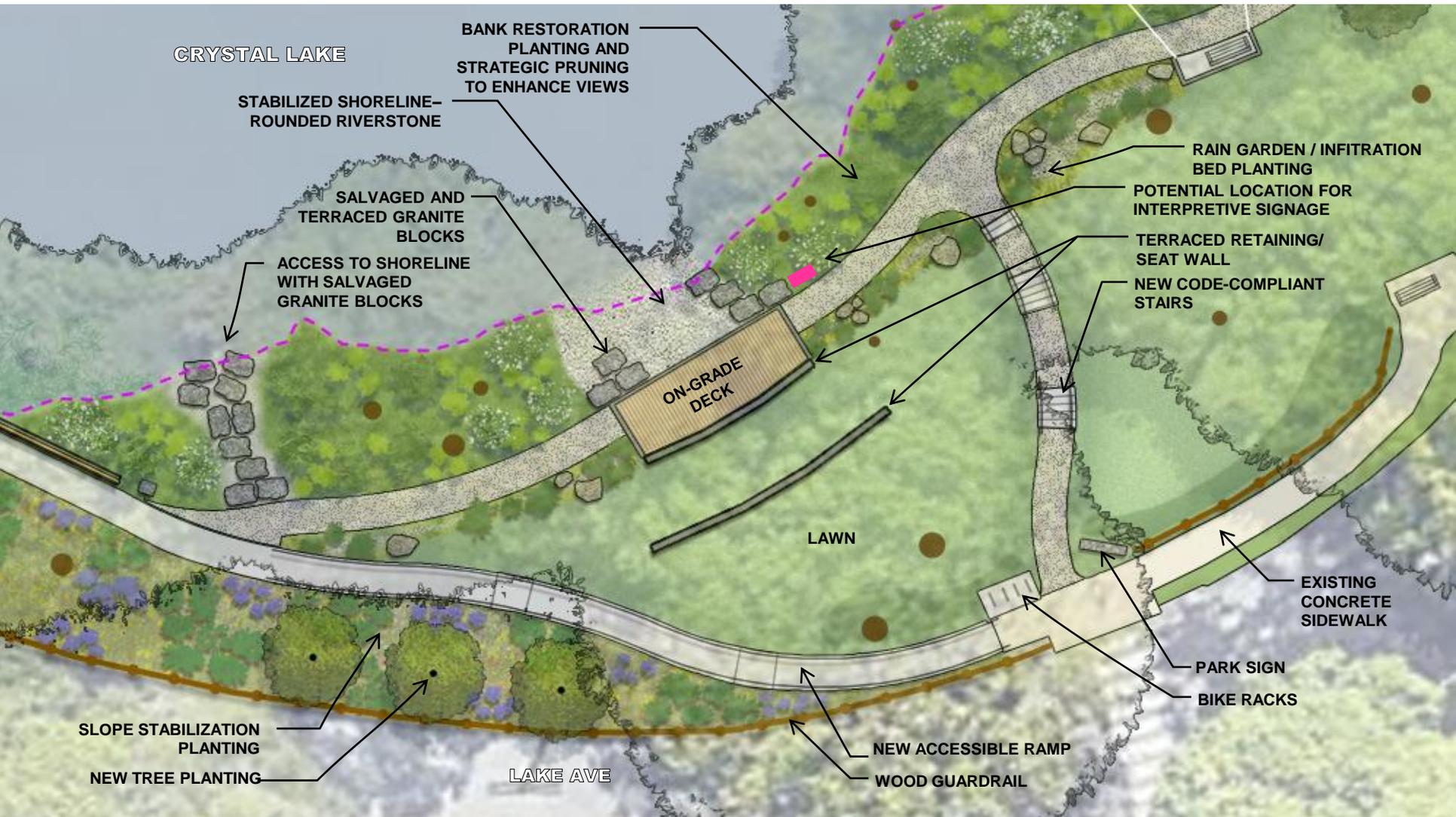
Cantilevered Deck Section A



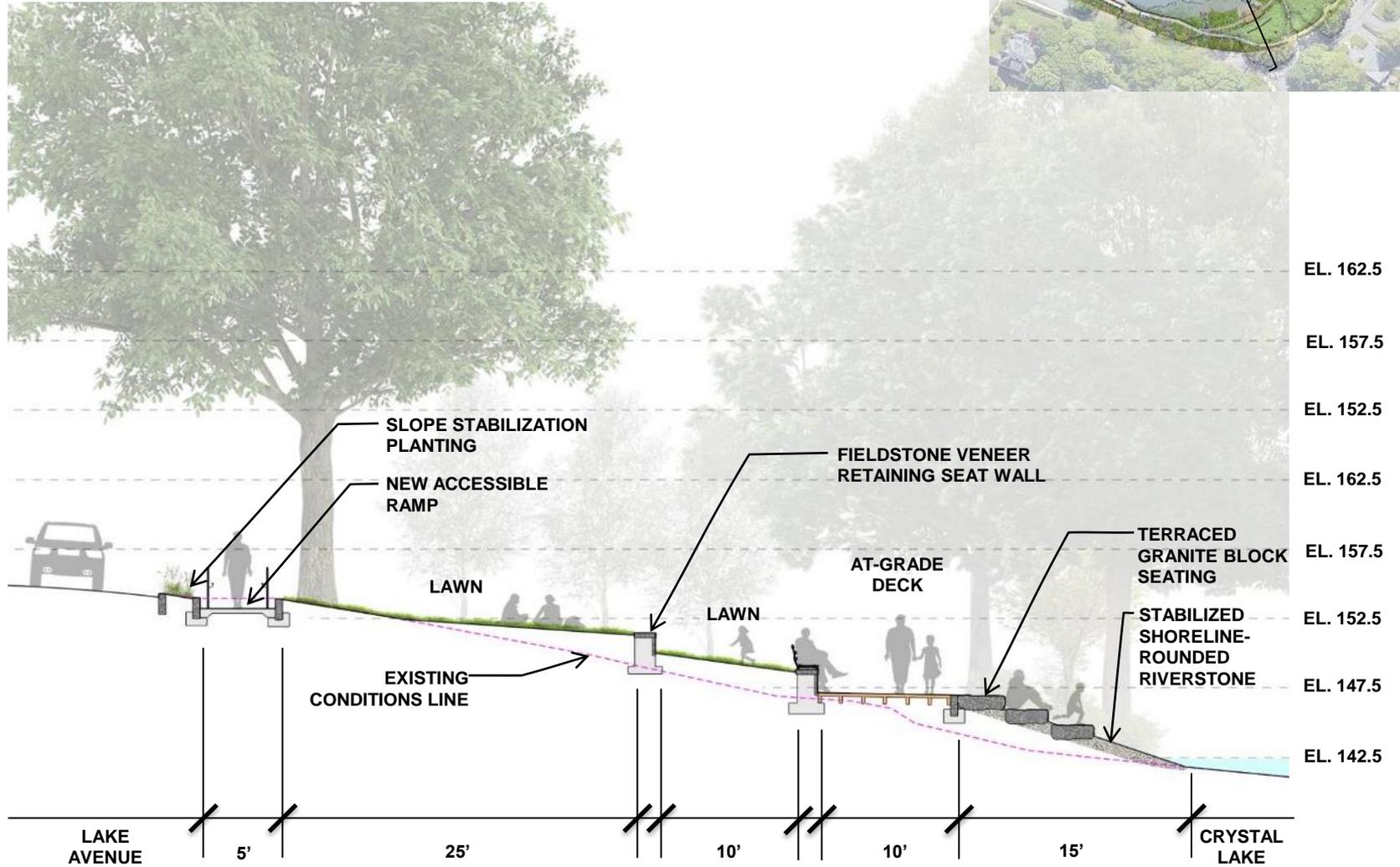
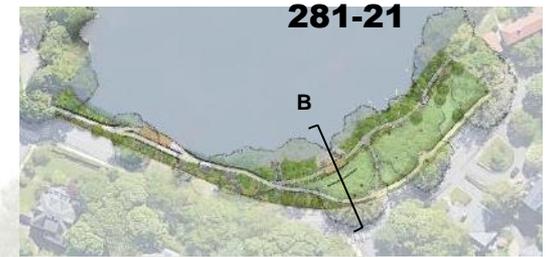
Existing Shoreline Area



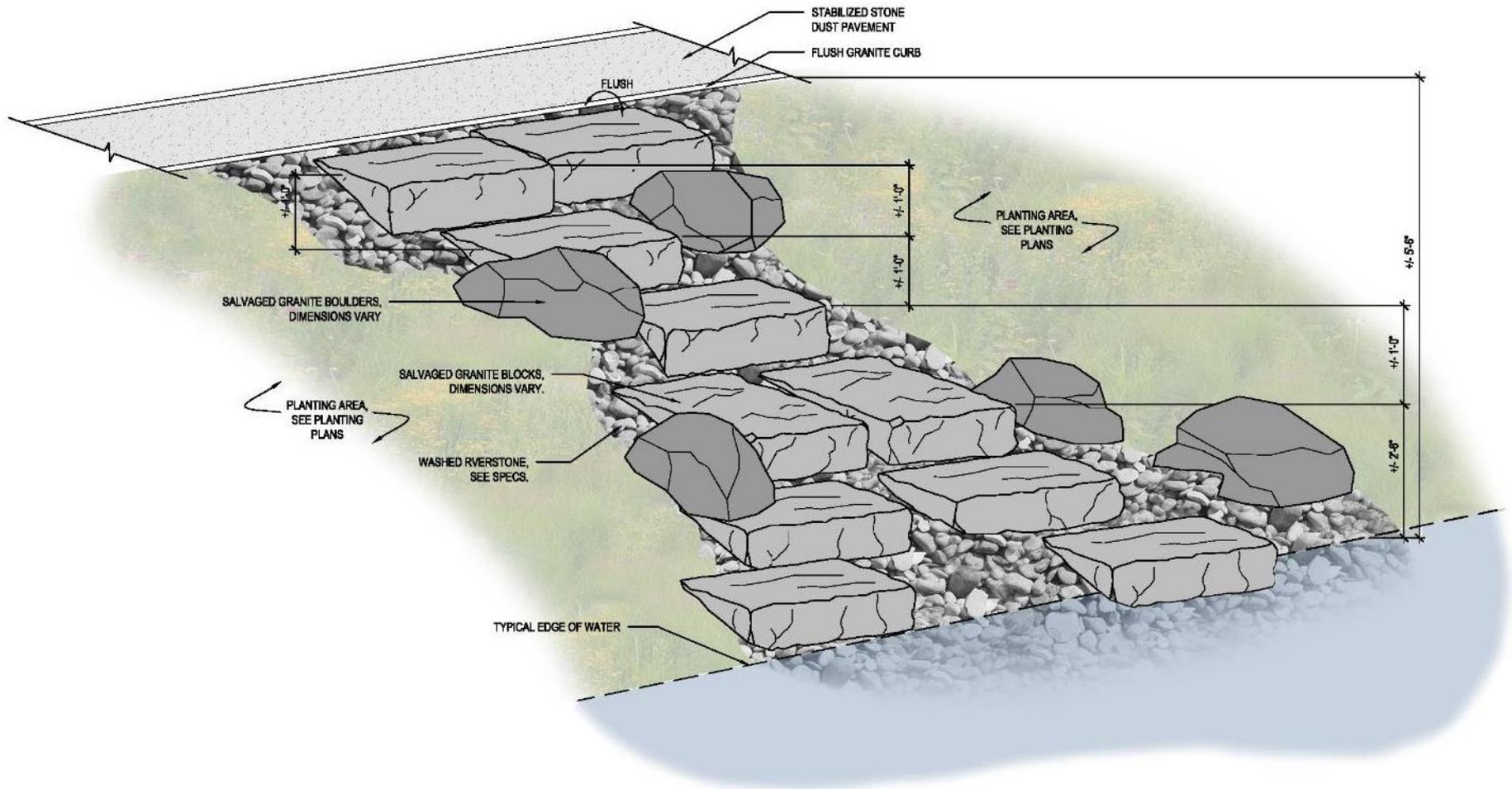
On-Grade Deck and Terraced Seating



Shoreline Access Area Section B



Water Access

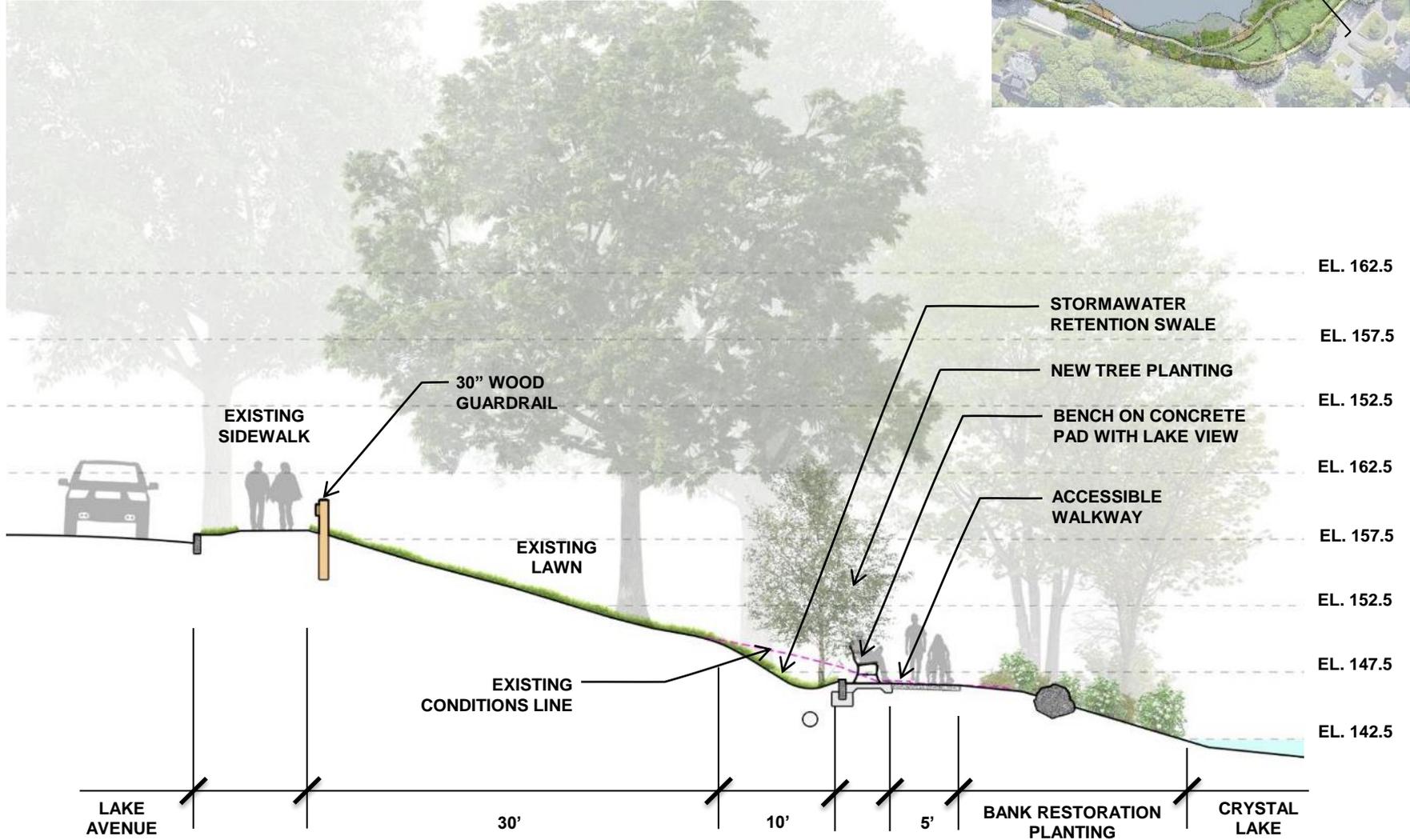
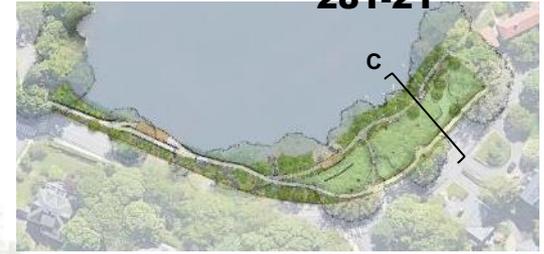


Existing Sloped Lawn

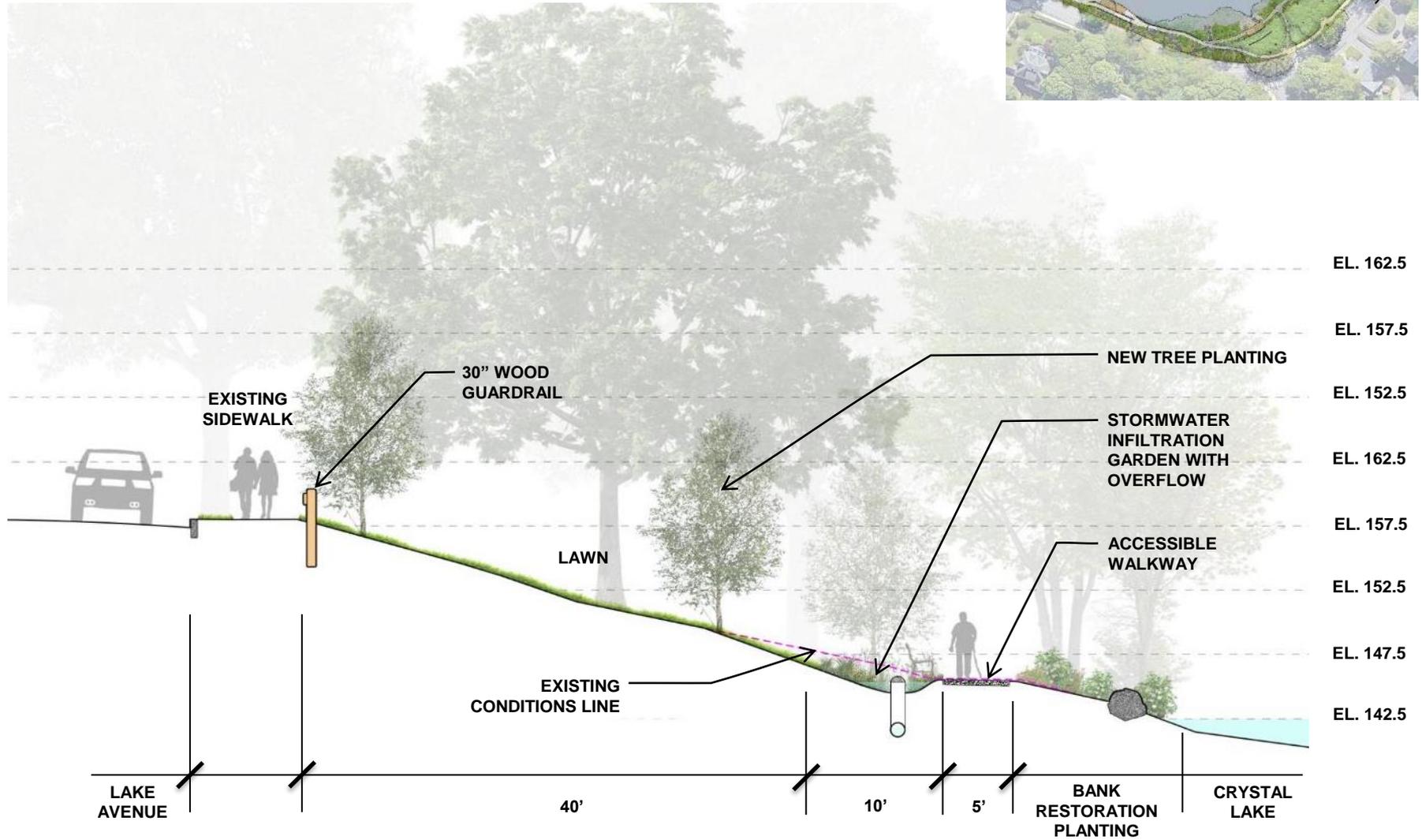


Sloped Lawn Section C

281-21



Sloped Lawn Section D



Furnishing and Amenity Considerations



Surface Material Considerations



Trees



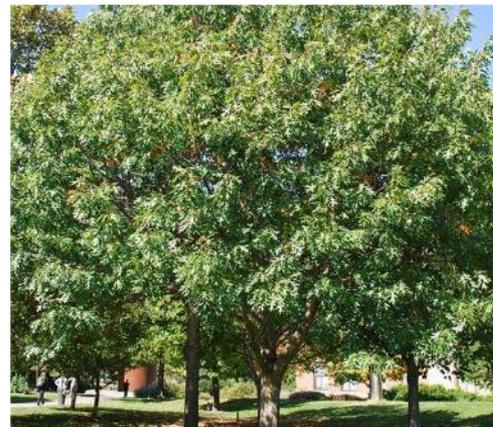
RIVER BIRCH



SERVICEBERRY



IRONWOOD



NORTHERN RED OAK

Bank Stabilization Shrub Planting Considerations



ARROWWOOD VIBURNUM



BLACK CHOKEBERRY



GRAY DOGWOOD



BAYBERRY



WINTERBERRY HOLLY

Bank Stabilization Groundcover Planting Considerations



SALLOW SEDGE



LOWBUSH BLUEBERRY



BLUE-EYED GRASS



PENNSYLVANIA SEDGE



SWITCHGRASS



FRINGED SEDGE



TUSSOCK SEDGE



TUFTED HAIR GRASS



SENSITIVE FERN

Slope Stabilization Planting Considerations

Shrubs



AROMATIC SUMAC



GRAY DOGWOOD



WINTERBERRY HOLLY



SWEET PEPPERBUSH

Grasses and Perennials



TUFTED HAIR GRASS



PENNSYLVANIA SEDGE



BLUE-EYED GRASS



WILD GERANIUM



COLUMBINE



WHITE WOOD ASTER

Rain Garden / Infiltration Bed Planting Considerations

Shrubs



BLACK CHOKEBERRY



AROMATIC SUMAC



GRAY DOGWOOD



SWEET PEPPERBUSH

Grasses and Perennials



PENNSYLVANIA SEDGE



CARDINAL FLOWER



WILD GERANIUM



WHITE WOOD ASTER



BLUE FLAG IRIS



TUSSOCK SEDGE



COLUMBINE



SENSITIVE FERN

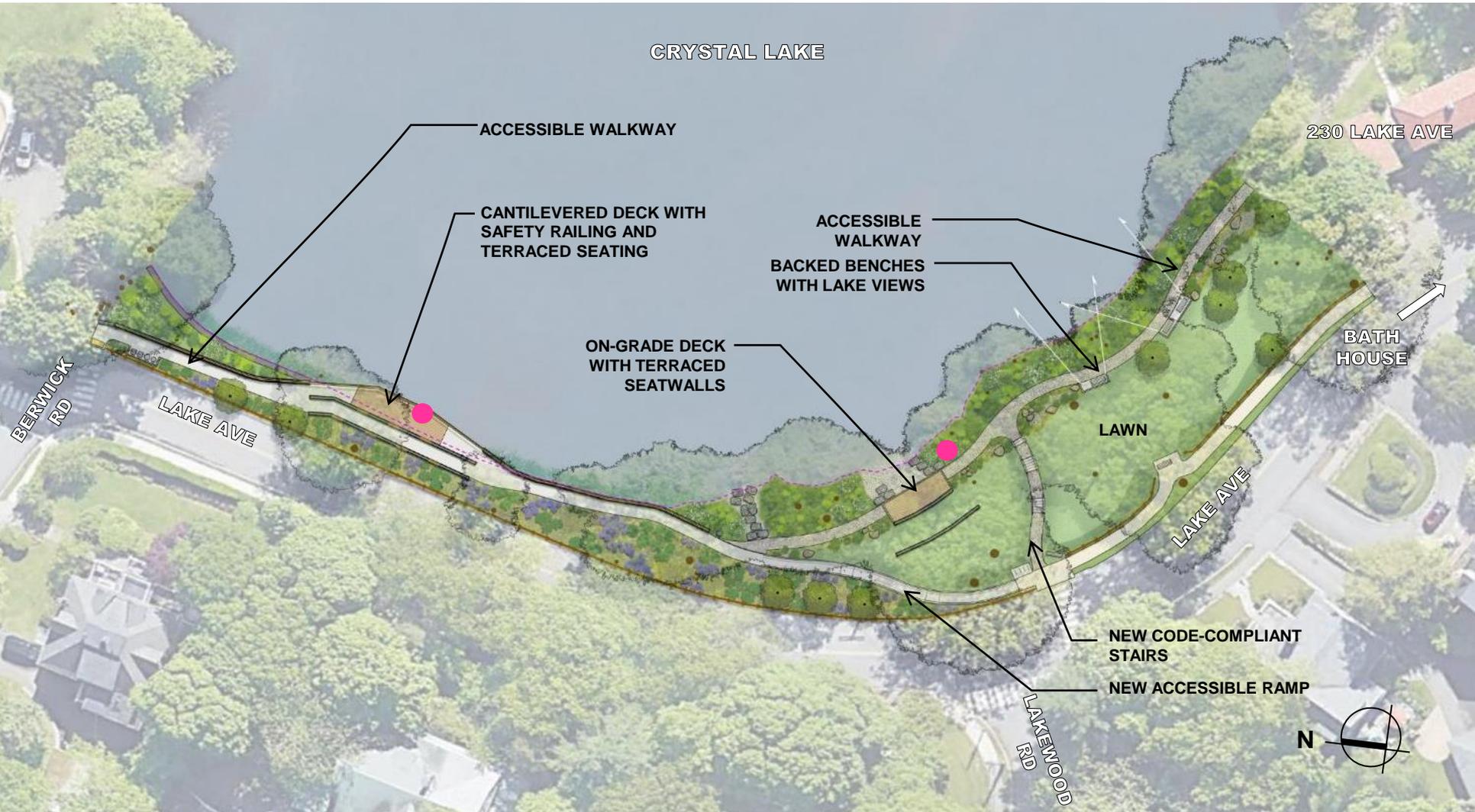


CINNAMON FERN

Near Term Next Steps

- 1 90% Construction Documents, Technical Specifications and Cost Estimate Mid to Late July
- 2 Environmental Permitting Applications submitted Late July
 - Notice of Intent / Conservation Commission
 - Planning Board
 - Mass Historic Commission
 - Chapter 91 Waterways Application

Thank you! Questions and Discussion



CITY COUNCIL

RECEIVED

CITY OF NEWTON

2021 JUN 21 PM 1:43

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 4:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

NEWTON, MA. 02459

To: Clerk of the City Council

Date: June 21, 2021

From (Docketer): Lara Kritzer, Community Preservation Program Manager

Address: Planning Department, Newton City Hall, 1000 Commonwealth Avenue Newton MA 02459

Phone: 617-796-1144

E-mail: lkritzer@newtonma.gov

Additional sponsors: Community Preservation Committee

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

Recommendation from the Community Preservation Committee for the allocation of \$441,755.29 from the Community Preservation Act FY22 Historic Resource Reserve Fund Account to the control of the Planning & Development Department to provide the remaining recommended funding needed to complete the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.

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

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: _____

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

- Programs & Services
- Zoning & Planning
- Public Facilities
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- 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. I 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)

Lara Kritzer

Leah Gasset - warden@gracenewton.org

Barney Heath

Scott Aquilina - sbaquilina@gmail.com

Austin Stewart - austinjstewart@gmail.com

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:

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

Updated June 21, 2021 CPC Funding Recommendation includes a link to the full proposal on the City's website and a copy of the Oct. 13 presentation of the project to the CPC.

(*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.

Lara Kritzer
Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

280-21

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee Revised Funding Recommendation for the Grace Episcopal Tower Restoration Project

Date: June 21, 2021
From: Community Preservation Committee
To: The Honorable City Council
CC: The Honorable Mayor Ruthanne Fuller

This recommendation is a continuation of the Community Preservation Committee's (CPC) January 2021 recommendation to use CPA funding to complete the Grace Episcopal Tower Restoration Project. The funding recommendation proposed to use the CPA program's Historic Reserve Accounts to cover all of the project's costs, including \$441,755.29 from the FY22 Historic Resource Reserves which the Committee later learned could not be approved for use until after July 1, 2021. On April 20, 2021, City Council approved the use of \$991,244.71 in existing Historic Resource Reserve funds for the project with the understanding that the remaining funding would be docketed for approval at the start of FY22. The intent of the present recommendation is to request approval for the allocation of the FY22 Historic Resource funding to the Grace Episcopal Church's Tower Restoration project as originally requested.

PROJECT GOALS & ELIGIBILITY Grace Episcopal Church submitted a proposal in August 2020 for CPA historic resource funding in the amount of \$1,433,000 for the stabilization and preservation of the conical stone tower located in the southeast corner of the structure. Due to a structural defect, the tower has deteriorated to the extent that it is now a public safety risk. Designed by Architect Alexander Rice Esty, the ca. 1872 stone tower and surrounding campus is considered to be of "outstanding architectural quality" (Newton NRHP Nomination) and is listed on the State and National Registers of Historic Places as part of the Farlow and Kenrick Parks National Register Historic District. The tower is a prominent historic resource and a significant element of the neighborhood's visual landscape.

This project is eligible for CPA funding for the restoration/rehabilitation of an Historic Resource as it is listed on both the State and National Historic Registers and is also supported by the Newton Historical Commission as a locally significant structure.

www.newtonma.gov/cpa

Lara Kritzer, Community Preservation Program Manager
lkritzer@newtonma.gov 617.796.1144

RECOMMENDED FUNDING At the CPC’s regularly scheduled meeting on Tuesday, October 13, 2020, the Community Preservation Committee recommended, with a vote of 6 to 2 with one abstention, the appropriation of \$1,433,000 in Community Preservation Act historic resource funds to the control of the Planning & Development Department for the completion of the tower restoration project at Grace Episcopal Church. As previously noted, the CPC’s recommendation proposed that all of the funding come from the City’s Historic Resource Reserve Accounts and in April 2021, the \$991,244.71 already in those accounts was allocated towards this work. The current recommendation requests that the final \$441,755.29 remaining from the original recommendation be allocated to the project from the FY22 Historic Resource Reserve Account.

Sources of CPA Funding	
Current Funding Request to come from FY22 Historic Resource Reserve	\$441,755.29
Funding Allocated to Project in FY21	\$991,244.71
Total CPA Funding	\$1,433,000

SPECIAL ISSUES CONSIDERED BY THE CPC

In bringing forward its original recommendation for this project, the CPC addressed the question of whether or not public CPA funding should be provided for the preservation of an historic property owned by a religious entity. Members agreed that there was no question that the tower was a significant historic and architectural resource within the community, a prominent visual and audible element of the neighborhood since its construction, and contributed to the historic character of the adjacent historic Farlow Park. After thoroughly discussing the elements listed below, the CPC made their determination based primarily on the fact that the project preserves a significant historic resource and met the requirements established by the enabling legislation for funding.

Funding of Private/Religious Institutions: During their review of the project, the CPC heard legal arguments both for and against the use of CPA public funding for religious institutions. It was noted that 91 CPA communities, including Boston and Cambridge, have funded the restoration of significant historic religious and institutional buildings based on their historic and architectural contributions to their neighborhoods and communities. The Massachusetts Anti-Aid amendment and its impact on the CPA funding of religious institutions was also reviewed during these meetings.

Architectural and Historical Significance: Grace Episcopal Church has been considered to be of architecturally and historically significance for as long as Newton has tracked its historic resources. The site was listed on the National Register of Historic Places as part of the Farlow and Kenrick Parks National Register District in 1999, having previously been noted for its “outstanding architectural quality” in the 1986 Historic Resource Inventory of Newton. The property has been a local landmark in Newton Corner since its construction, as shown on the 1878 bird’s eye view Map of Newton Corner included in the proposal. When the property was included in the Newton Corner Historic Neighborhood Walking Tour in 2002, the corner tower was again noted as an important local landmark. Numerous other planning and historic preservation documents prepared by the City over the years have noted the importance of its design, the prominence of its architect, Alexander Rice Esty, and the need to protect and preserve Newton’s many churches not only for their architectural and historical contributions to the area, but for their service as important community gathering spaces, polling centers, and multi-use open space facilities.

Funding leverage & project costs: This project meets the CPC's guidelines for public-private partnerships which request a 50/50 match to the CPA funds. The Applicant is currently working to meet this commitment through fundraising and has already received some state grant funding. The existing funding conditions require the Applicant to use less of the approved CPA funding if they raise more funds than initially expected.

In making this recommendation, the CPC also considered that while the CPA program's annual spending goal is to use at least 20% of its CPA funding for Historic Resource projects, only 17% of CPA funding has been used for this purpose over the life of the program.

Community spaces & services: The proposal details the extensive public use of this property as a meeting center, performance venue and local polling location. Grace Episcopal also has a long history of allowing non-profits to use other structures on their site, and an additional letter detailing the congregation's history in community engagement can be found on the website at: www.newtonma.gov/civicax/filebank/documents/106924. The CPC also noted during their discussion that many historic resources provide a benefit to their neighborhood and community by contributing to the community's architectural and historic landscape and character.

Project design & permitting: The Applicant spent several years working closely with Structures North and other preservation and masonry experts to complete a thorough evaluation of the tower's existing condition and develop the proposed solutions. The resulting set of detailed elevations and drawings of the tower show where the damage is located and the proposed treatment methods. The proposed work meets the Secretary of the Interior's Standards for Preservation and Restoration as it will be restored and repaired using existing and in-kind materials, with new structural materials to be used only as needed on the interior of the structure.

ADDITIONAL RECOMMENDATIONS (*funding conditions*)

The following funding conditions were applied to the project when the original funding was approved in April 2021. No new conditions are proposed at this time.

1. Recommended CPA funds should be appropriated within 6 months and the project should be completed within 3 years after the date of its approval by City Council, with the understanding that these deadlines may be extended by submitting a written request to the CPC outlining the reason the extension is necessary and the proposed new deadline.
2. The Applicant has committed to raising funding for 50% of the project budget. If through grants or donations more funding is raised than is currently estimated, those additional funds will be used to reduce the CPA funding contribution to the project.
3. All funding for this project will be taken from the City's CPA Historic Resource Reserve accounts.
4. All CPA funding will be used solely for the restoration of the tower as a public element of the building which is visible from all surrounding public ways and park spaces. No funding can be used for the support of any religious activities, or for the restoration of any other elements of the building which are solely used for religious purposes.
5. The Applicant will be asked to update the CPC on the status of the project at regular intervals as requested. Periodic site visits to check the status of the restoration work may also be requested.
6. The CPC will hold 10% of the project's CPA funding until all restoration work is complete, at which time a final report and updated project budget must be submitted to the CPC for approval. The Applicant will be expected to present these materials at a public meeting of the CPC for their review and approval before the final funds are released.

7. The release of CPA funds will be governed by a grant agreement that includes but is not limited to the usual conditions for the phased release of CPA funds for historic resource projects, including a final report to the CPC and the return of unspent funds.
8. Any CPA funds appropriated but not used for the purposes stated herein should be returned to the Newton Community Preservation Fund.
9. The Applicant will give a preservation restriction to the City on the exterior elements of the building which are being restored with public funds and meet the other conditions usual for CPA-funded private construction projects (City-approved procurement process, final construction contract, building permit, etc.)
10. As the Applicant has committed to raising 50% of the project costs through grants, donations and other sources, CPA funding for this project will be released based on the percentage of funding raised by the Applicant at the time of the funding request using an agreed upon funding approval process to be included in the grant agreement.

KEY OUTCOMES The successful outcomes of this project will be the interior stabilization of the tower, using a patented system to replace the failing interior supports and prevent further deterioration, and the exterior restoration of the facades by repointing and replacing failed masonry elements to prevent water infiltration and damage in the future. The ultimate goal of this project is to fully restore the tower so that it can continue to be viewed and accessed again by the public.

ATTACHMENTS

- Tower Restoration Proposal submitted by Grace Episcopal Church on Aug. 14, 2020. (Due to the size of this document, a link has been included to its location on the project website: <http://www.newtonma.gov/civicax/filebank/documents/105631>)
- October 13, 2020 Presentation by Grace Episcopal Church to the Community Preservation Committee

Additional information not attached to this recommendation, including petitions and letters of support, are available on the CPC's website at:

<http://www.newtonma.gov/gov/planning/cpa/projects/gecsr.asp>



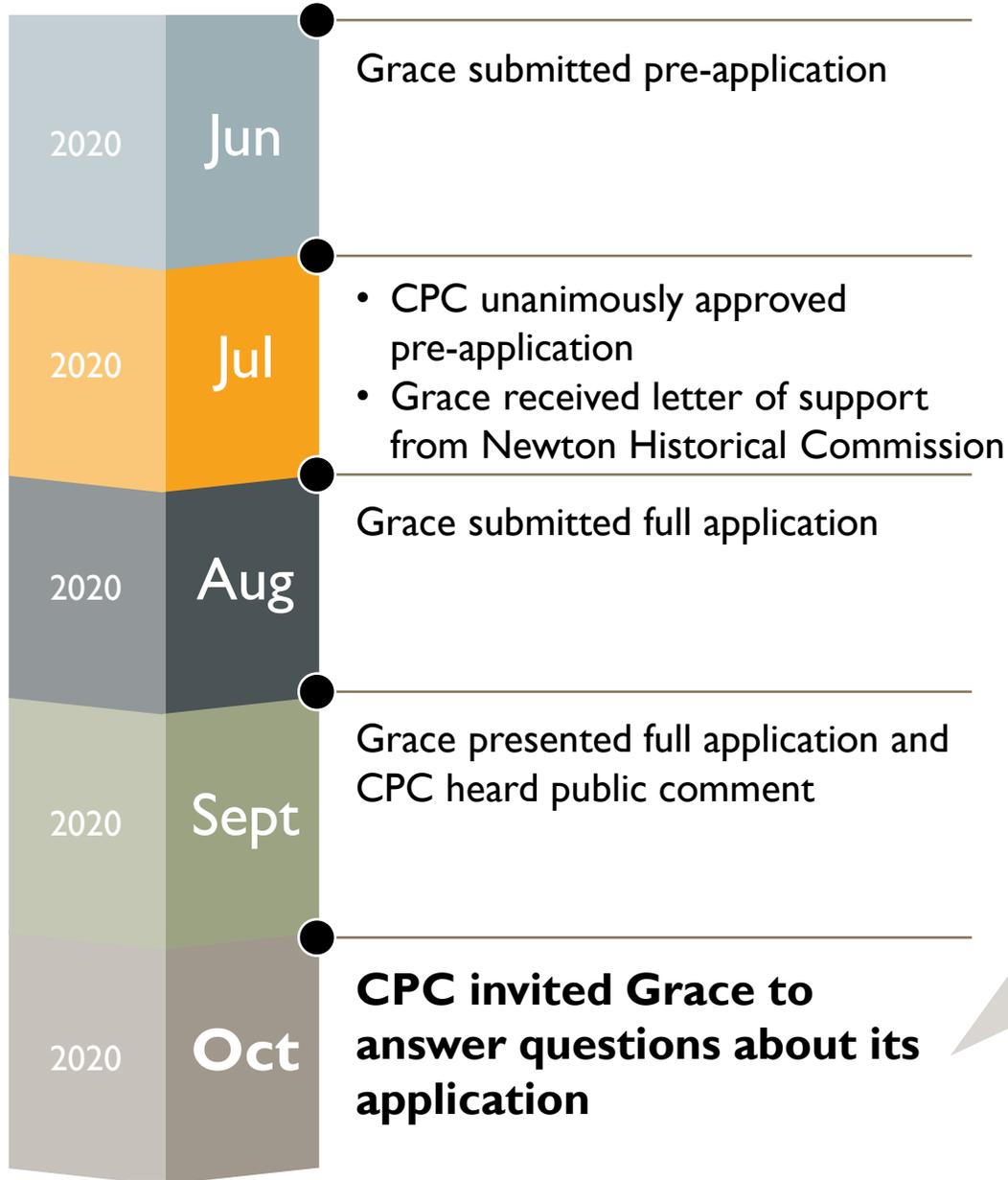
Grace Tower Restoration Project
Newton's Community Preservation Committee
October 13, 2020

Grace Tower Restoration CPC Application Recap



- Grace tower and the Eldredge chime have defined Farlow Park and Newton Corner for 147 years
- Listed on the National Register of Historic Places as part of the Farlow and Kenrick Parks Historic District, nominated by the City in 1982
- A design defect has rendered the tower unstable, creating an emergency situation and a threat to public safety
- Nine-bell Eldredge Chime is one of only two functioning chimes of its kind in Newton

Background and Today's Agenda



CPC members and staff have asked Grace to discuss the following:

- Grace Church Eligibility
- Benefit to Newton
- Phasing of Revenue and Expenses
- Future Maintenance Budget
- Mayor's Perspective on Project
- Preservation Restriction

Caplan v. Town of Acton **Three-Part Test**

1. Is motivating purpose of grant to aid a private entity?
2. Will grant have the effect of substantially aiding private entity?
3. Does grant avoid risks that prompted passage of the anti-aid amendment?



Caplan v. Town of Acton Three-Part Test

1. Is motivating purpose of grant to aid a private entity?

Purpose of grant is historic preservation

2. Will grant have the effect of substantially aiding private entity?

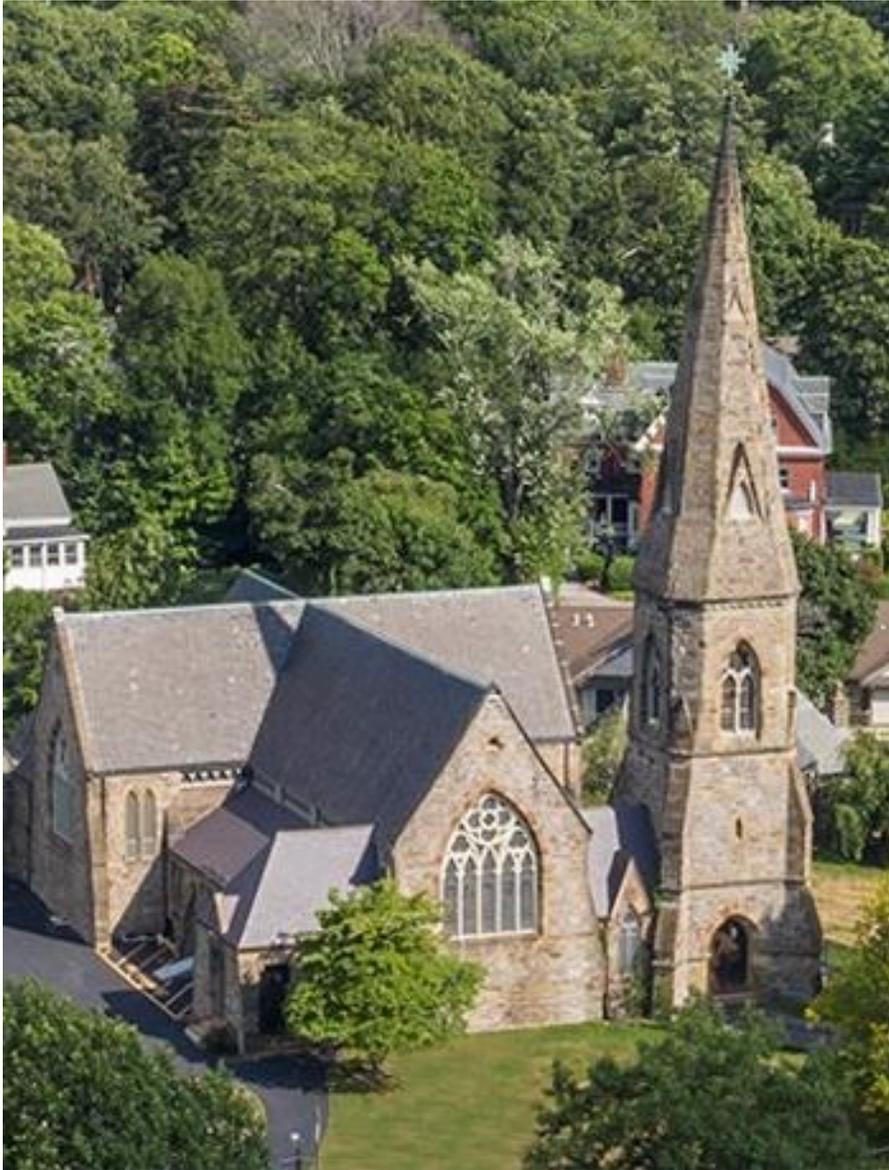
Grant will not substantially aid **Grace Church**

3. Does grant avoid risks that prompted passage of the anti-aid amendment?

Grant Avoids Risks

- **Would not infringe liberty of conscience**
- **Would not entangle government with religion**
- **Would not threaten civic harmony**





Historic Preservation Benefits Communities

- Historic preservation is a legitimate public good
- Historic districts are desirable areas marked by population growth, cohesion and a strong sense of identity
- There is direct and indirect economic benefit to historic preservation (e.g., increased home values and greater appreciation, heritage tourism)
- There is a cost to NOT investing in historic preservation
- 81 municipalities in MA commit CPA funds to help preserve historic houses of worship. Newton has yet to do so.

**Grace Has Contributed to Newton for 147
Years...
and counting**

Sources:

Massachusetts Historical Commission, Economic Impacts of Historic Preservation in Massachusetts, May 2002

Massachusetts Historical Commission, Massachusetts State Historic Preservation Plan 2018-2022

Metropolitan Policy Program, The Brookings Institution, Economics and Historic Preservation: A Guide and Review of the Literature

Grace's Contributions to Newton 1870-1970

Stone Church
and Tower
Opens



1873



Rev. G. Shinn

1881



Newton Cottage
Hospital

Rev G. Shinn and Mayor
Pulsifer founded NCH,
(now NWH)

Farlow Park

Land donated by Grace
leader John Farlow, Rev
Shinn supervises design



1880-83

1931



Newton Children's
Library

Grace Church Member
donates land.

Social Justice
Affordable
Housing

Rev Tom Lehman helps
establish NCDF
Grace co-founds CMM,
Cooperative
Metropolitan Ministries



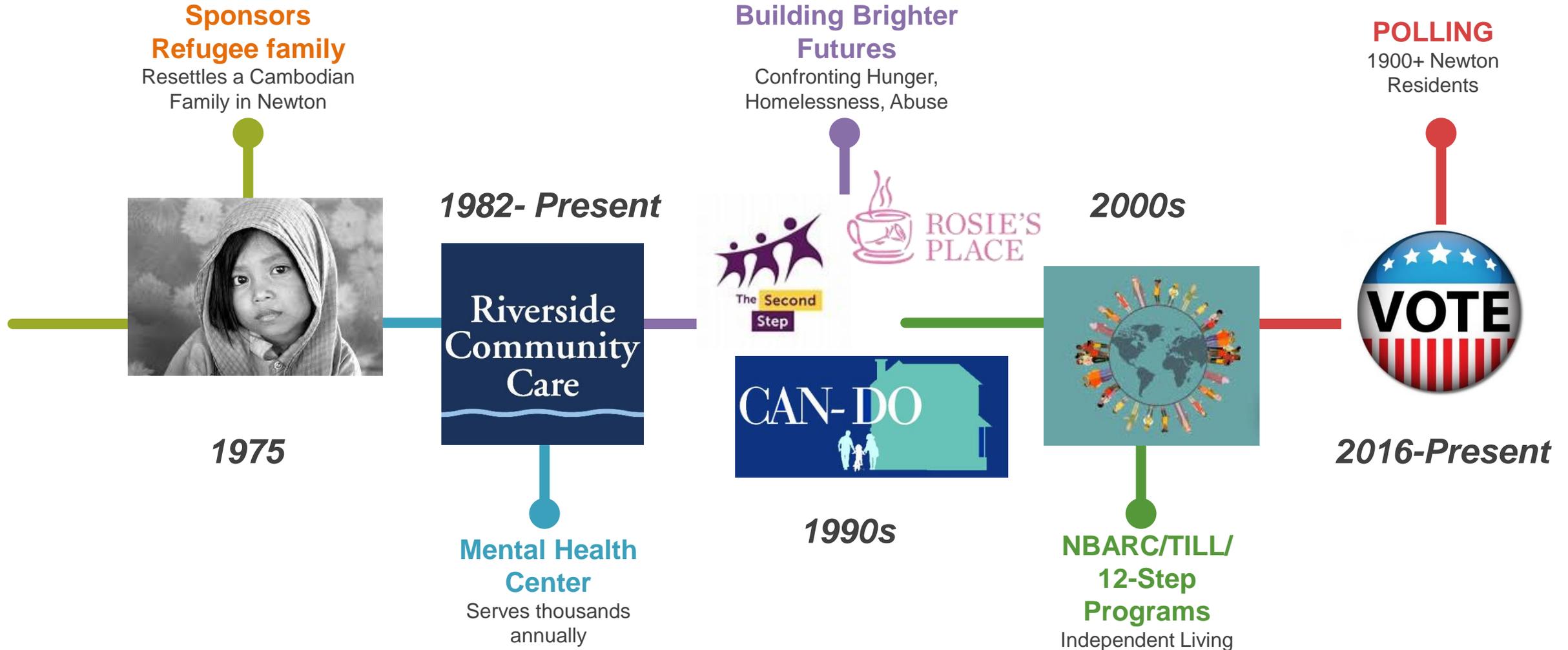
Cooperative Metropolitan Ministries

Faiths Uniting in Social Action Since 1966



1960s

Grace's Contributions to Newton 1970-2020





Project Budget – Source of Funds

Stabilization and Restoration

2021–2022

	Phase I – Stabilization (2021)	Phase 2 – Restoration (2022)	Project Total
CPC	\$ 600,000	\$ 833,000	\$ 1,433,000
GRACE	500,000	483,000	983,000
Other Grants	<u>50,000</u>	<u>400,000</u>	<u>450,000</u>
Total	\$ 1,150,000	\$ 1,716,000	\$ 2,866,000

The CPC requested information about Grace Church's past and future maintenance budgets for upkeep of our historic property.

We actively steward our historic property and are committed to:

- Preserving its architecture for the benefit of the historic district and for Newton and its residents.
- Making enhancements that enable the Newton community to benefit from our space in relevant and modern ways

Property Expenditures 2006 – 2020

Average annual expense	\$96,000
Range of annual expenses	\$40,000 - \$231,000

Added Budget for Tower Maintenance

Annual reserve for tower	\$15,000
Tower reserve over 25 years	\$375,000
Tower reserve over 50 years	\$750,000

In follow up to the CPC's request, Grace leadership reached out to Mayor Ruthanne Fuller's office on two occasions to solicit her perspectives on the proposed project.

Mayor Fuller's Response

*“Mayor Fuller must respectfully decline your offer to meet with her about the bell tower project. **The CPC has a lot of independent authority in their decision making power** and the Mayor does not think it is appropriate to influence their process by meeting with members of the church to discuss the proposal prior to the vote.”*



Middlesex South Registry of Deeds

DATE 1/19/99 TIME 9:16 DOC# 154

PRESERVATION RESTRICTION AGREEMENT
between the COMMONWEALTH OF MASSACHUSETTS
by and through the MASSACHUSETTS HISTORICAL COMMISSION
and the Grace Church

The parties to this Agreement are the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission located at the Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, Massachusetts 02125, hereinafter referred to as the Commission, and the Grace Church 76 Eldredge Street, Newton Corner, Ma. hereinafter referred to as the Grantor.

In 1999, the Massachusetts Historical Commission placed a **preservation restriction in perpetuity** on the Grace Church property **including its tower.**

- To protect the **architectural, historical, and archaeological integrity** of the buildings
- Because it is listed in the **State Register of Historic Places**
- To **serve the public interest** by preserving the premises for the public's enjoyment

Major alterations will only be considered if required due to casualty or emergency.



592

**Newton Residents support CPA
funding for tower restoration**

*“Historically and architecturally a treasure
for the whole community of Newton”*

**Letters of community
support include:**

- **Historic Newton**
- **Newton Historical
Commission**
- **MA Historical
Commission**
- **Friends of Farlow Park**
- **Riverside Community
Care**



Grace Historic Tower - Conclusions

- Grace seeks to partner with the City to undertake a historic preservation project.
- The tower with its Eldredge chime is a historic landmark worthy of preservation.
- CPA funds restored Farlow Park, preserving the tower will build on this work and affirm the City's commitment to maintaining this historic district.
- This project represents a wonderful opportunity for the City to protect a cherished landmark for generations to come.



Partner With Us to Preserve Newton's History

CITY COUNCIL

252-21

CITY OF NEWTON

DOCKET REQUEST FORM

RECEIVED

2021 JUN -3 PM 1:49

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.

CITY CLERK
NEWTON, MA 02459
To: Clerk of the Council

Date: 6/2/21

From (Docketer): Director of Planning & Development

Address: 1000 Commonwealth Ave., Newton MA, 02459

Phone: _____ E-mail: bheath@newtonma.gov

Additional sponsors: _____

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

The Director of Planning & Development requesting the appropriation of \$643,215 of Inclusionary Zoning funds to the Newton Housing Authority (NHA) to support the creation of 55 new units of affordable senior housing at the NHA's new Haywood House development. On May 3rd, the Planning and Development Board voted 6-0-1 (Director Heath abstaining) to approve the Housing Authority's request, per Section 5.11.5.E. of the City's revised Inclusionary Zoning ordinance. On May 7th, Mayor Fuller also approved forwarding this request to the City Council.

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

- | | |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input checked="" 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 checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input 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. I 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)

Amanda Berman _____

Eamon Bencivengo _____

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:

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.

Barney Heath

Signature of person docketing the item



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

MEMORANDUM

To: Mayor Ruthanne Fuller

From: Barney Heath, Director of Planning & Development
Amanda Berman, Director of Community Development and Housing

Date: May 7, 2021

Subject: Request to Approve Newton Housing Authority's Use of Inclusionary Zoning Fund

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

In accordance with the City's revised Inclusionary Zoning ordinance Section 5.11.5(E), the Newton Housing Authority may at any time request to access funds that exist in their portion of the City's Inclusionary Zoning Fund (see attached letter from the Newton Housing Authority). The ordinance requires that any such request be approved first by the Planning and Development Board and then by the Mayor. Following a presentation by Amy Zarechian, Executive Director of the Newton Housing Authority at their meeting on Monday, May 3rd, the Planning Board voted 6-0-1 (Director Heath abstaining) to approve the Housing Authority's request.

Your signature below would confer your approval and authorize the Newton Housing Authority to access all of their current balance of inclusionary zoning funds of \$643,215.

Feel free to contact us should you have any questions relative to this request.

Authorization for Newton Housing Authority to access \$643,215 from its share of the City's Inclusionary Zoning Fund.

Ruthanne Fuller

Ruthanne Fuller, Mayor

5/7/2021

Date

**Newton Housing Authority
82 Lincoln Street
Newton Highlands, MA 02461**

Telephone: (617) 552-5501
Fax: (617) 964-8387
TD: (617) 332-3802

**Amy Zarechian
Executive Director**

April 28, 2021

Cat Kemmett, Planning Associate
Department of Planning & Development
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: NHA Inclusionary Zoning Funds

Dear Ms. Kemmett,

As you may know, the Newton Housing Authority (NHA) is in the process of building a new 55-unit affordable housing development on NHA-owned land adjacent to its Jackson Gardens development to be known as Haywood House.

The NHA has been working diligently over the last several years to complete the necessary predevelopment work and secure project funding with the generous support of the City of Newton Planning and Development Board, Community Preservation Committee, the Department of Planning and Development, and Mayor Fuller. The project is now scheduled for a financial closing over the next few days and will soon begin construction.

Through the long predevelopment and funding process for Haywood House, and as a result of the ongoing economic volatility in connection with the COVID-19 pandemic, certain project costs have increased significantly. Most recently, the rising costs of lumber have led to an increase in the cost of framing the building.

The NHA would like to request access to the balance of Inclusionary Zoning funds, approximately \$643,215, held by the City for the intended use of the NHA in the development of affordable housing.

We will be happy to answer any further questions at your next meeting. Thank you for your assistance with this matter.

Sincerely,


Amy Zarechian
Executive Director

**CITY OF NEWTON
LAW DEPARTMENT MEMORANDUM**

DATE: July 23, 2021
TO: Zoning and Planning Committee – All Members
FROM: Andrew S. Lee, Assistant City Solicitor
RE: Demolition Delay – Proposed Amendments – Dkt. No. 29-20(2)
Updated Draft

At the Zoning and Planning Committee (“ZAP”) meeting held on June 28, 2021, ZAP discussed Dkt. No. 29-20(2) Proposed Amendments to the Demolition Delay Ordinance. Specifically, ZAP took straw votes on several items in the proposed draft amendments as follows:

1. Under the current Demolition Delay Ordinance, a property is subject to review if it is in whole or in part 50 years old or older. ZAP took a straw vote on whether to change the requirement with the following results:
 - a. Changing the 50 year requirement to “75 years”: 3 in favor (Councilors Albright, Crossley, and Krintzman)
 - b. Retaining the 50 year requirement: 4 in favor (Councilors Wright, Leary, Ryan, and Baker)Councilor Danberg was also present and abstained from voting.
2. Under the current Demolition Delay Ordinance, a building is Historically Significant if it is determined to be “historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures...” ZAP took a straw vote on whether to include clarifying language for the foregoing criteria with the following results:
 - a. Include clarifying language: 3 in favor (Councilors Albright, Crossley, and Krintzman)
 - b. Leave the language unchanged: 5 in favor (Councilors Leary, Wright, Danberg, Ryan, and Baker)
3. Under the current Demolition Delay Ordinance, a building is Historically Significant if it is located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district. ZAP took a straw vote on whether to remove such properties from the criteria for Historically Significant with the following results:
 - a. Removing the criterion: 5 in favor (Councilors Albright, Crossley, Krintzman, and Leary)

- b. Retaining the criterion: 3 in favor (Councilors Baker, Ryan, and Wright)
4. ZAP took a straw vote on whether to amend the Demolition Delay Ordinance to include a requirement that determinations by a Newton Historical Commission (“NHC”) Member and Staff that a full demolition application that are found not be historically significant be disclosed at NHC meetings with the following results:
- a. Add such a disclosure requirement: 3 in favor (Councilors Baker, Ryan, and Wright)
 - b. Do not include such a disclosure requirement: 5 in favor (Councilors Albright, Crossley, Danberg, Krintzman, and Leary)

Attached to this memorandum is the clean version and redlined version of the proposed draft (Attachments A and B, respectively) updated to reflect ZAP’s straw votes taken at the June 28, 2021 meeting. Please note that the jurisdictional age requirement under Section 22-53(a)(1) of the proposed draft has not been revised. It is anticipated that there will be further discussion in ZAP on that item. Additionally, the original Demolition Delay Ordinance is attached as Attachment C, for your convenience.

ATTACHMENT A

§ 22-50

NEWTON ORDINANCES — PLANNING AND DEVELOPMENT

§ 22-50

DIVISION 2. DEMOLITION DELAY

Sec. 22-50. Demolition of historically significant buildings or structures – intent and purpose.

This division is adopted in furtherance of the policy set forth in the Newton Comprehensive Plan to assure the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City.

Sec. 22-51. Definitions.

For the purposes of this Division 2. Demolition Delay, the following words shall be defined as follows:

Application: An application to the commissioner for a demolition permit as defined by this ordinance.

Commission: The Newton Historical Commission, or if the regulated building or structure is in a local historic district established pursuant to G.L. c. 40C, the local historic district commission.

Commission staff: The person(s) regularly providing staff services for the commission whom the commission has designated commission staff for the purposes of this ordinance.

Commissioner: The commissioner of inspectional services.

Demolition permit: Any permit issued by the commissioner which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

Formally listed as eligible for listing: A determination has been made by the Keeper of the National Register of Historic Places that the property is eligible for listing on the National Register.

Historically significant: Any building or structure that has been determined by the commission or its designee to meet the criteria set forth in Sections 22-53(a) and (c).

Inventory of historic and archaeological assets of the Commonwealth of Massachusetts: The list of historic and archaeological assets compiled and maintained by the Massachusetts Historic Commission pursuant to M.G.L. c. 9, Sections 26 and 26A(1).

Partial demolition: The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the building or structure.

Preferably preserved: An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in Section 22-54.

Total demolition: The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

Sec. 22-52. Items considered to be de minimis. Notwithstanding the provisions of Sections 22-53 and 22-54, the commissioner may issue a demolition permit without commission review if, after consultation with commission staff, the commissioner determines that the plans do not involve removal of any architecturally significant features and are limited to:

- (1) Removal of open porches and entryways of only a set of stairs, an entrance platform and a roof which are utilitarian in design;
- (2) Demolition or construction of new additions which remove, alter, or envelop 50% or less of a single exterior wall;
- (3) Removal or alteration of less than 50% of the roof structure; or
- (4) Normal maintenance of a building's exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

Sec. 22-53. Historically Significant

- (a) No demolition permit shall be issued by the commissioner except in conformity with the provisions of this Sec. 22-53, as well as any other applicable law, statute, ordinance or regulation, for any building or structure that:
 - 1) was in whole or in part built in or before 1945;
 - 2) is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;
 - 3) is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or
 - 4) is listed on the inventory of historic and archaeological assets of the Commonwealth of Massachusetts.
- (b) If any owner of a building or structure identified in Sec. 22-53(a) seeks to demolish in whole or in part such building or structure, the owner, or an applicant acting on behalf of the owner, shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:
 - 1) a site plan or a copy of that portion of the tax assessor's map which shows the building or structure to be demolished and the property on which it is located;

- 2) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;
- 3) a description of the proposed plans for demolition and the reason(s) therefore; and
- 4) proof of legal ownership of the building or structure in a form satisfactory to commission staff.

If the applicant is someone other than the owner, a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant is their designated agent and may apply for changes to their property.

- (c) Within fifteen (15) business days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination. A building or structure identified in Sec. 22-53(a) shall be determined to be historically significant if it meets one or more of the following criteria:
 - (1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water;
 - (2) is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;
 - (3) is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or
 - (4) has been determined by the commission or its designee to be a historically significant building after a finding that it is:
 - i) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America;
 - ii) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or
- (d) The commission may delegate the determination that a building or structure is historically significant to commission staff and a designated commission member.
- (f) Notwithstanding the provisions of Sections 22-54 and 22-55, alterations to a building or structure determined to be historically significant may be approved by commission staff

without a hearing if the commission staff determines that the plans do not involve removal of any architecturally significant features and are limited to:

- a) Removal or alteration of 50% to 100% of the roof structure;
- b) Repair or replacement of existing and original porches with similar materials to match existing;
- c) Demolition or construction of additions or alterations not visible from a public way; or
- d) Removal or envelopment by subsequent additions of 50% to 100% of any single exterior wall surface.

Each wall is calculated by square footage.

- (g) No demolition permit shall be issued by the commissioner for a building or structure determined to be historically significant until the procedural requirements of Section 22-54 of this ordinance have been satisfied. Notwithstanding the foregoing, the commissioner may grant the demolition permit if the commissioner:
 - 1) does not receive written notice within forty-five (45) days after the commission's receipt of a demolition permit application that the building or structure is historically significant;
 - 2) receives written notice from commission staff that the proposed alterations do not involve removal of any architecturally significant features and are approved by commission staff pursuant to Section 22-53(f); or
 - 3) receives written notice from the commission that the building or structure is not historically significant.

Sec. 22-54. Preferably preserved.

- (a) When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure is preferably preserved.
- (b) The commission shall give not less than fourteen (14) days' notice of such public hearing to the applicant, owner(s) of the building or structure if different from the applicant, notice to the record owner(s) (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property line of the subject property, and notice to other property owners deemed by the commission to be materially affected. Notices shall also be posted with the city clerk and sent to the director of planning and development.

- (c) In the case of partial demolition involving alteration(s) or addition(s) to a building or structure, the applicant shall provide the commission with: (i) proposed plans and elevation drawings for the affected portion of the building or structure; and (ii) a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s). In the case of a total demolition, no additional materials are required to be submitted.
- (d) For a partial demolition, the date the commission receives all the above information shall be the submission date. For a total demolition, the date the commission determines the property is historically significant shall be the submission date.
- (e) The commission shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be preferably preserved, based on the criteria set forth in Section 22-54(f).
- (f) If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved. In making such finding, the commission shall consider the following conditions:
- 1) the historic value and significance of the building or structure;
 - 2) the architectural value and significance of the building or structure;
 - 3) the general design, arrangement, texture and materials of the features and the relation to those features to similar buildings and structures in the nearby area; and
 - 4) the extent of historic fabric remaining in the building or structure.
- (g) Upon a determination that the building or structure which is the subject of an application for a demolition permit is preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant.
- 1) For a building or structure listed in the National Register of Historic Places or formally listed as eligible for listing on said National Register, individually or as part of an historic district, no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure until eighteen (18) months after the date of such determination by the commission.
 - 2) For all other buildings and structures not covered under Section 22-54(g)(1) above, no demolition permit shall be issued for a total demolition or a partial

demolition of a building or structure found preferably preserved until one (1) year after the date of such determination by the commission.

- (h) After the expiration of the applicable demolition delay period, the commissioner may issue a demolition permit. The scope of the demolition permit shall be limited to the alterations and demolition proposed in the applicant's submissions to the commission.
- (i) The owner of the preferably preserved building or structure shall have two (2) years from the date of the expiration of the applicable demolition delay period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period unless the procedural requirements of this Section 22-54 have been satisfied.
- (j) In the event a transfer of ownership of a preferably preserved property occurs during the applicable demolition delay period, the full applicable demolition delay period will restart from the date of the transfer of ownership.
- (k) In the event a transfer of ownership of a preferably preserved property occurs after the applicable demolition delay period expires but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures set forth in this Section 22-54.
- (l) Upon a determination by the commission that a building or structure is not preferably preserved or upon the commission's failure to make any determination within forty-five (45) days of the submission date, the commissioner may grant a demolition permit for the building or structure.

Sec. 22-55. Waiver

- (a) After a determination that a building or structure is preferably preserved, the commission may waive the applicable demolition delay period upon a finding that the applicant has either:
 - 1) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or
 - 2) has agreed to accept a demolition permit on specified conditions approved by the commission.
- (b) An applicant for a partial demolition may seek a waiver anytime during the applicable demolition delay period after the commission's determination that the subject building or structure is preferably preserved.

(c) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four (4) months after the date of final unfavorable action unless the said commission finds:

- 1) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application, or that the resubmitted application proposes to preserve the building or structure.

The commission shall not make a finding under this Sec. 22-55(c) until at least thirty (30) days after the date of the final unfavorable action.

(d) The commission shall give not less than fourteen (14) days' notice of the time and place of the proceedings when the request for waiver will be considered to the applicant, owner(s) of the building or structure if different from the applicant, notice to the record owner(s) (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property line of the subject property, and notice to other property owners deemed by the commission to be materially affected. Notices shall also be posted with the city clerk and sent to the director of planning and development.

(e) Upon a determination by the commission to waive the demolition delay period for a building or structure found to be preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant. Upon receipt of such determination, the commissioner may grant a demolition permit for the building or structure.

- 1) If the owner agreed to accept a demolition permit on specified conditions that involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.

Sec. 22-56. Emergency Demolition

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the commissioner. As soon as practicable after the receipt of such request, the commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the city engineer or his designee; the fire chief or his designee; the chairman of the commission or his designee; and one (1) disinterested person chosen by the

commissioner. After inspection of the building or structure and consultation with the other members of the board, the commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the commissioner issues an emergency demolition permit under the provisions of this section of the ordinance, he shall prepare a written report describing the demolition of the building or structure and the basis of his decision to issue an emergency permit with the commission. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143, sections 6-10.

In the event that a board of survey is convened under the provisions of M.G.L. c. 143, section 8 with regard to any historically significant building or structure, the commissioner shall request the chairman of the commission or his designee to accompany the board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the commission.

Sec. 22-57. Non-Compliance and Enforcement

- (a) Anyone who demolishes a historically significant building or structure without first obtaining and complying fully with the provisions of a demolition permit issued in accordance with this section shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day of violation of this ordinance.

In addition, unless a demolition permit issued in accordance with this section was obtained and unless such permit was fully complied with, including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant's plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property.

The commission may, upon application to and determination by the commission that reuse of the property in accordance with building plans prepared by the owner and submitted to the commission and all relevant agencies will substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the

property either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the site or the surrounding neighborhood, waive the fine, in whole or in part, and/or the ban on issuance of a building permit in order to allow the issuance of a building permit for construction or reconstruction of a building or structure approved by the commission. An owner receiving a waiver of the fine and/or ban on issuance of a building permit under this provision shall execute a binding agreement enforceable against all heirs, assigns and successors in interest with the commission to insure that any reuse of the site undertaken during the two-year ban shall be implemented in accordance with the plans, terms, and conditions approved by the commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the commission's approval granted under this provision shall also permit reinstatement of the fine for non-compliance with this ordinance.

- (b) The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this Division 2. Demolition Delay ordinance.
- (c) In case any section, paragraph, or part of this Division 2. Demolition Delay is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.

Sec. 22-58. Securing Buildings and Structures

- (a) *Securing Historically Significant Buildings and Structures.* If, following an application for a demolition permit, a building or structure has been determined to be historically significant, and the building or structure is subsequently destroyed by fire or other cause before any determination is made by the commission as to whether the building or structure is preferably preserved, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the commissioner that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.
- (b) *Securing Preferably Preserved Buildings and Structures.* If during the period of demolition delay for a building or structure determined to be preferably preserved, such building or structure is destroyed through fire or other cause, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the preferably preserved building or structure was located (except as necessary to secure public safety or health) until the end of the period of demolition delay, unless the owner can provide evidence to the commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

Sec. 22-59. Applicability and Judicial Review

- (a) The provisions of this ordinance shall not apply to any building or structure located in a local historic district established pursuant to M.G.L. c. 40C and subject to regulation by the local historic district commission under the provisions of Section 22-40 of the Revised Ordinances.
- (b) This section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.
- (c) This section shall not apply to buildings or structures which have been designated as landmarks pursuant to Section 22-64 of the revised ordinances.
- (d) The owner(s) of a building or structure determined to be preferably preserved under Section 22-54 of the Revised Ordinances, may, within twenty (20) days after the commission makes such determination, appeal to the superior court sitting in equity for Middlesex County. The court shall hear all pertinent evidence and shall uphold the determination of the commission unless it finds the action to be arbitrary, capricious, or based on legally untenable grounds, or may remand the case for further action by the commission, or make such other decree as justice and equity may require. The burden of proof shall be on the owner(s) of the subject building or structure. The remedy provided by this section shall be exclusive, but the parties shall have all other rights of appeal and exception as in other equity cases. Costs shall not be allowed against the party appealing such determination of the commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

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DIVISION 2. DEMOLITION DELAY

Sec. 22-50. Demolition of historically significant buildings or structures.~~(a) Intent — intent and Purposes. — purpose.~~

This ~~section~~division is adopted in furtherance of the policy set forth in the Newton Comprehensive Plan to assure the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City.

Sec.~~(b)~~ **22-51. Definitions.**

For the purposes of this ~~section~~Division 2. Demolition Delay, the following words ~~and phrases have the following meanings~~shall be defined as follows:

Application: An application to the commissioner for a demolition permit as defined by this ordinance.

Commission: The Newton Historical Commission, or if the regulated building or structure is in a local historic district established pursuant to G.L. c. 40C, the local historic district commission.

Commission staff: The person(s) regularly providing staff services for the commission whom the commission has designated commission staff for the purposes of this ordinance.

Commissioner: The commissioner of inspectional services.

~~Application~~: ~~An application to the commissioner for a demolition permit as defined by this ordinance.~~

Demolition permit: Any permit issued by the commissioner which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

Formally listed as eligible for listing: A determination has been made by the Keeper of the National Register of Historic Places that the property is eligible for listing on the National Register.

Historically significant: Any building or structure that has been determined by the commission or its designee to meet the criteria set forth in Sections 22-53(a) and (c).

Inventory of historic and archaeological assets of the Commonwealth of Massachusetts: The list of historic and archaeological assets compiled and maintained by the Massachusetts Historic Commission pursuant to M.G.L. c. 9, Sections 26 and 26A(1).

~~Total demolition~~: ~~The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.~~

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Partial demolition: The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the building or structure.

Preferably preserved: An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in Section 22-54.

Total demolition: The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

Sec. of the structure.

~~(1) Items requiring review by the commission at a hearing. Partial demolition 22-52. Items considered to be de minimis. Notwithstanding the provisions of Sections 22-53 and 22-54, the commissioner may issue a demolition permit without commission review if, after consultation with commission staff, the commissioner determines that the plans do not involve removal of any architecturally significant features which would alter the massing of the existing structure including, but not and are limited to the following items:~~

~~a) Additions or eels determined to be architecturally significant by commission or commission staff.~~

~~b) Roofs, including flat roofs, determined to be architecturally significant by commission or commission staff.~~

~~c) Porches determined to be architecturally significant by commission or commission staff, except Removal of open decks, staircases, porches and entryways, which are excluded from review.~~

~~d) Removal or envelopment by subsequent additions of 50% or more of any single exterior wall surface. Each wall is calculated by square footage individually.~~

~~e) Demolition of any architectural detail determined to be architecturally significant by commission or commission staff.~~

~~i) Brackets~~

~~ii) Crown molding~~

~~iii) Porch columns and railings~~

~~iv) Bay windows~~

~~v) Dormers~~

~~vi) Chimneys~~

~~(2) Items requiring review by the commission that may be reviewed and approved by commission staff without a hearing if plans indicate~~

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- ~~a) Removal or alteration of the roof structure.~~
- ~~b) Repair or replacement of existing and original porches with similar materials to match existing.~~
- ~~c) Demolition or construction of additions or alterations not visible from a public way.~~
- ~~d) Removal or envelopment by subsequent additions of 50% to 100% of any single exterior wall surface.~~
 - ~~Each wall is calculated by square footage.~~

(3) Items considered to be de minimis and requiring no commission or commission staff review:

- ~~(1) a) Open porches and entryways consisting of only a set of stairs, an entrance platform and a roof which are utilitarian in design or do not contribute to the architectural significance or character of the building.;~~
- ~~(2) b) Demolition or construction of new additions which remove, alter, or envelop 50% or less of a single exterior wall;~~

~~exterior wall.~~

~~(3) e)~~ Removal or alteration of less than 50% of the roof structure; or

~~(4) d)~~ Normal maintenance of a building’s exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

Sec. 22-53. Historically Significant

~~(~~
~~Historically significant building or structure: Any building or structure which is in whole or in part fifty or more years old and which~~

~~(1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or~~

~~(2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or~~

~~(3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:~~

~~a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or~~

~~b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or~~

~~e) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.~~

~~Preferably preserved: An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in subsection (e)(5) below.~~

~~(e) Procedure.~~

~~(4) No demolition permit for a building or structure which is in whole or in part fifty or more years old shall be issued by the commissioner except in conformity with the provisions of this section Sec. 22-53, as well as any other applicable law, statute, ordinance or regulation, for any building or structure that:~~

~~1) (2) was in whole or in part built in or before 1945;~~

~~2) is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;~~

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- 3) is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or
- 4) is listed on the inventory of historic and archaeological assets of the Commonwealth of Massachusetts.

(b) If any ~~applicant and the~~ owner of ~~the~~ building or structure, ~~if different from the applicant identified in Sec. 22-53(a) seeks to demolish, in whole or in part, a building or structure which is~~ in whole or in part ~~fifty~~ such building or ~~more years old~~ structure, the owner, or an applicant acting on behalf of the ~~building or structure~~ owner, shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:

- a1) a site plan or a copy of that portion of the tax assessor's map which shows the building or structure to be demolished and the property on which it is located;

b

2) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;

e3) a description of the proposed plans for demolition and the reason(s) therefore.; and

(34) proof of legal ownership of the building or structure in a form satisfactory to commission staff.

If the applicant is someone other than the owner, a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant is their designated agent and may apply for changes to their property.

(c) Within fifteen (15) business days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination. A building or structure identified in Sec. 22-53(a) shall be determined to be historically significant if it meets one or more of the following criteria:

(1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water;

(2) is individually listed on the National Register of Historic Places, or formally listed as eligible for listing on said National Register, individually;

(3) is listed on the National Register of Historic Places as part of an historic district, but not individually, or formally listed as eligible for listing on said National Register as part of an historic district, but not individually; or

(4) has been determined by the commission or its designee to be a historically significant building after a finding that it is:

i) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America;

ii) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or

iii) located within one hundred fifty (150) feet of the boundary line of any federal or historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

(d) The commission may delegate the determination that a building or structure is historically significant to commission staff or to a designated commission member. In the event that the commission delegates the determination to the commission staff or to a designated commission member, the commission shall adopt criteria to be followed by the staff or the member in making this determination and a designated commission member.

(f) Notwithstanding the provisions of Sections 22-54 and 22-55, alterations to a building or structure determined to be historically significant may be approved by commission staff without a hearing if the commission staff determines that the plans do not involve removal of any architecturally significant features and are limited to:

a) Removal or alteration of 50% to 100% of the roof structure;

b) Repair or replacement of existing and original porches with similar materials to match existing;

c) Demolition or construction of additions or alterations not visible from a public way; or

d) Removal or envelopment by subsequent additions of 50% to 100% of any single exterior wall surface.~~A determination that a building or structure is or is not historically significant made by the commission staff or a designated commission member may be appealed to the full commission by filing a notice of appeal with the commission not later than fifteen (15) days after the written notice that the building or structure is or is not historically significant has been filed with the commissioner. Filing the appeal of the determination shall not stay the effect of such determination. Following a hearing before the commission, which may, but is not required to be conducted in conjunction with the hearing on whether the building or structure is preferably preserved, the commission shall affirm or reverse the determination and file notice of such determination with the commissioner. If the appeal of the determination is made independent of the preferably preserved hearing, the commission shall follow the same procedure for such hearing as that set forth in subsection (c)(5) below. If the commission fails to conduct a hearing on the appeal of said determination or fails to rule on the appeal within forty five (45) days from the filing of the appeal, the determination that a building or structure is or is not historically significant shall remain unchanged, and the commissioner shall not issue a demolition permit until the procedural requirements of subsection (c)(5) below have been satisfied.~~

(4)

Each wall is calculated by square footage.

(g) No demolition permit shall be issued by the commissioner for a building or structure determined to be historically significant until the procedural requirements of ~~subsection (e)(5)~~Section 22-54 of this ordinance have been satisfied. ~~The~~Notwithstanding the foregoing, the commissioner may grant the demolition permit if the commissioner:

1) ~~a)~~ does not receive written notice within forty-five (45) days after the commission's receipt of a demolition permit application that the building or structure is historically significant; ~~or~~

2) ~~br~~receives written notice from commission staff that the proposed alterations do not involve removal of any architecturally significant features and are approved by commission staff pursuant to Section 22-53(f); or

3) receives written notice from the commission that the building ~~either~~or structure is not historically significant, ~~or is historically significant, but clearly would not be deemed preferably,~~

Sec. 22-54. Preferably preserved ~~by the commission.~~

~~(a) (5)~~ When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure, ~~or the portion of the building or structure to be demolished, is preferably preserved.~~ The applicant shall provide the commission with the following information for this determination: is preferably preserved.

~~(b) a)~~ ~~in~~ The commission shall give not less than fourteen (14) days' notice of such public hearing to the applicant, owner(s) of the building or structure if different from the applicant, notice to the record owner(s) (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property line of the subject property, and notice to other property owners deemed by the commission to be materially affected. Notices shall also be posted with the city clerk and sent to the director of planning and development.

~~(c)~~ In the case of partial demolition involving alteration(s) or addition(s) to a building or structure, the applicant shall provide the commission with: (i) proposed plans and elevation drawings for the affected portion of the building or structure; and (ii) a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s); ~~and~~. In the case of a total demolition, no additional materials are required to be submitted.

~~b)~~ ~~if the site of the building or structure to be demolished is to be redeveloped, plans showing the use or development of the site after~~ For a partial demolition together with a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development.

, the

(d) ~~The~~ date the commission receives all the above information shall be ~~stamped on the information received and shall be considered~~ the submission date. For a total demolition, the date the commission determines the property is historically significant shall be the submission date.

(e) ~~The following public notice as set forth in subsection (e)(8) of this ordinance, the~~ commission shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be preferably preserved, based on the criteria set forth in ~~this paragraph. Section 22-54(f).~~

(f) If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved. In making such finding, the commission shall consider the following conditions:

- 1) ~~(6) the historic value and significance of the building or structure;~~
- 2) the architectural value and significance of the building or structure;
- 3) the general design, arrangement, texture and materials of the features and the relation to those features to similar buildings and structures in the nearby area; and
- 4) the extent of historic fabric remaining in the building or structure.

(g) Upon a determination that the building or structure which is the subject of an application for a demolition permit is preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant.

1) a) For a building or structure listed in the National Register of Historic Places or ~~determined formally listed as~~ eligible for listing ~~in the on said~~ National Register, individually or as part of Historic Places by the Massachusetts Historical Commissionan historic district, no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure until eighteen (18) months after the date of such determination by the commission, ~~unless the commission informs the commissioner prior to the expiration of such eighteen (18) month period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:~~

~~i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,~~

~~1) ii) has agreed to accept a demolition permit on specified conditions approved by the commission.~~

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- ~~iii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.~~
- ~~iv) The applicant shall have two (2) years from the date of the expiration of the eighteen (18) month period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.~~
- ~~v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
 - ~~(a) by a vote of two thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,~~
 - ~~(b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.~~~~
- ~~vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.~~

- ~~b)~~ For all other buildings and structures not covered under ~~section (6)~~Section 22-54(g)(1) above, no demolition permit
- 2) shall be issued for a total demolition or a partial demolition of a building or structure found preferably preserved until one (1) year after the date of such determination by the commission, ~~unless the commission informs the commissioner prior to the expiration of such one (1) year period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:~~
- ~~i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,~~
 - ~~ii) agreed to accept~~After the expiration of the applicable demolition delay period, the commissioner may issue a demolition permit on specified conditions approved by the commission.
- ~~(h) iii) If the specified conditions involve approved plans and elevations, then no.~~ The scope of the demolition permit shall be issued by the commissioner unless limited to the alterations and demolition proposed in the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff. applicant's submissions to the commission.
- ~~(i) iv) The applicant~~ The owner of the preferably preserved building or structure shall have two (2) years from the date of the expiration of the ~~one (1) year~~applicable demolition delay period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of ~~subsection (e)(5) hereof~~this Section 22-54 have been satisfied.
- ~~v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds~~
 - ~~(a) by a vote of two thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,~~
 - ~~(b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.~~
 - ~~vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.~~
- ~~(j) (7)~~ In the event a transfer of ownership of a preferably preserved property occurs during the applicable demolition delay period, the full applicable demolition delay period will restart from the date of the transfer of ownership.
- ~~(k) (8)~~ In the event a transfer of ownership of a preferably preserved property occurs after the applicable demolition delay period expires but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures set forth in ~~section~~this Section 22-50 (e) (5).

- (1) 9) Upon a determination by the commission that a building or structure is not preferably preserved or upon the commission's failure to make any determination within forty-five (45) days of the submission date, the commissioner may grant a demolition permit for the building or structure.

Sec. 22-55. Waiver

- (a) After a determination that a building or structure is preferably preserved, the commission may waive the applicable demolition delay period upon a finding that the applicant has either:
- 1) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or
 - 2) has agreed to accept a demolition permit on specified conditions approved by the commission.
- (b) (40) Public An applicant for a partial demolition may seek a waiver anytime during the applicable demolition delay period after the commission's determination that the subject building or structure is preferably preserved.
- (c) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four (4) months after the date of final unfavorable action unless the said commission finds:
- 1) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application, or that the resubmitted application proposes to preserve the building or structure.

The commission shall not make a finding under this Sec. 22-55(c) until at least thirty (30) days after the date of the final unfavorable action.

The commission shall give not less than fourteen (14) days' notice of commission hearings shall provide the date, the time and place and time of the hearing and proceedings when the addresses of the properties to request for waiver will be considered at the hearing. Public notice shall include, at a minimum, posting with the

~~(d) city clerk and notification to the director of planning and development, to the applicant, to the owners of all abutting to the applicant, owner(s) of the building or structure if different from the applicant, notice to the record owner(s) (each such owner to be determined from the then current records of the assessing department) of those properties within three hundred (300) feet of the property and line of the subject property, and notice to other property owners deemed by the commission to be materially affected. Notices shall also be posted with the city clerk and sent to the director of planning and development.~~

~~(11) If the applicant is someone other than the owner or his designated agent a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant may apply for changes to their property.~~

~~(e) (4) Upon a determination by the commission to waive the demolition delay period for a building or structure found to be preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission’s determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant. Upon receipt of such determination, the commissioner may grant a demolition permit for the building or structure.~~

1) If the owner agreed to accept a demolition permit on specified conditions that involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.

Sec. 22-56. Emergency Demolition-

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the commissioner. As soon as practicable after the receipt of such request, the commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the city engineer or his designee; the fire chief or his designee; the chairman of the commission or his designee; and one (1) disinterested person chosen by the commissioner. After inspection of the building or structure and consultation with the other members of the board, the commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the commissioner issues an emergency demolition permit under the provisions of this section of the ordinance, he shall prepare a written report describing the demolition of the building or structure and the basis of his decision to issue an emergency permit with the commission. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143, sections 6-10.

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In the event that a board of survey is convened under the provisions of M.G.L. c. 143, section 8 with regard to any historically significant building or structure, the commissioner shall request the chairman of the commission or his designee to accompany the board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the commission.

~~(e)Sec. 22-57. Non-Compliance— and Enforcement~~

Anyone who demolishes a historically significant building or structure without first obtaining and complying fully with the provisions of a demolition permit issued in accordance with this section shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day of violation of this ordinance.

(a)

In addition, unless a demolition permit issued in accordance with this section was obtained and unless such permit was fully complied with, including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant's plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property²².

The commission may, upon application to and determination by the commission that reuse of the property in accordance with building plans prepared by the owner and submitted to the commission and all relevant agencies will substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the site or the surrounding neighborhood, waive the fine, in whole or in part, and/or the ban on issuance of a building permit in order to allow the issuance of a building permit for construction or reconstruction of

a building or structure approved by the commission. An owner receiving a waiver of the fine and/or ban on issuance of a building permit under this provision shall execute a binding agreement enforceable against all heirs, assigns and successors in interest with the commission to insure that any reuse of the site undertaken during the two-year ban shall be implemented in accordance with the plans, terms, and conditions approved by the commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the commission's approval granted under this provision shall also permit reinstatement of the fine for non-compliance with this ordinance.

~~(b) (f) The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this Division 2. Demolition Delay ordinance.~~

~~(c) In case any section, paragraph, or part of this Division 2. Demolition Delay is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.~~

Sec. 22-58. Securing Buildings and Structures

~~(a) *Securing Historically Significant Buildings and Structures.* If, following an application for a demolition permit, a building or structure has been determined to be historically significant, and the building or structure is subsequently destroyed by fire or other cause before any determination is made by the commission as to whether the building or structure is preferably preserved, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the commissioner that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.~~

~~(b) (g) *Securing Preferably Preserved Buildings and Structures.* If during the period of demolition delay for a building or structure determined to be preferably preserved, such building or structure is destroyed through fire or other cause, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the preferably preserved building or structure was located (except as necessary to secure public safety or health) until the end of the period of demolition delay, unless the owner can provide evidence to the commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.~~

~~(h) *Buildings and Structures located in Local Historic Districts.* **Sec. 22-59. Applicability and Judicial Review**~~

~~(a) The provisions of this ordinance shall not apply to any building or structure located in a local historic district established pursuant to M.G.L. c. 40C and subject to regulation by the local historic district commission under the provisions of ~~Section~~**Sec. 22-40** of the Revised Ordinances.~~

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~~(i) Severability. In case any section, paragraph, or part of this section is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.~~

~~(j) Enforcement. The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this section.~~

~~(k) Applicability.~~

~~(b) (1) Notwithstanding the foregoing, this~~ This section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.

~~(c) (2) This subsection~~ section shall not apply to buildings or structures which have been designated as landmarks pursuant to ~~Section~~ Sec. 22-6064 of the revised ordinances.

~~(Ord. No. S 230, 12-1-86; Ord. No. S 315, 6-20-88; Ord. No. T 252, 12-7-92; Ord. No. U 19, 6-20-94; Ord. No. V 98, 12-16-96; Ord. No. V 99, 12-16-96; Ord. No. X 205, 5-1-06; Ord. No. Z 22, 04-22-08; Ord. No. Z 76, 02-07-11;~~

Ord. No. A-74, 04-04-16)

- (d) The owner(s) of a building or structure determined to be preferably preserved under Section 22-54 of the Revised Ordinances, may, within twenty (20) days after the commission makes such determination, appeal to the superior court sitting in equity for Middlesex County. The court shall hear all pertinent evidence and shall uphold the determination of the commission unless it finds the action to be arbitrary, capricious, or based on legally untenable grounds, or may remand the case for further action by the commission, or make such other decree as justice and equity may require. The burden of proof shall be on the owner(s) of the subject building or structure. The remedy provided by this section shall be exclusive, but the parties shall have all other rights of appeal and exception as in other equity cases. Costs shall not be allowed against the party appealing such determination of the commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

ATTACHMENT C

§ 22-50

NEWTON ORDINANCES — PLANNING AND DEVELOPMENT

§ 22-50

DIVISION 2. DEMOLITION
DELAY**Sec. 22-50. Demolition of historically significant buildings or structures.**

(a) *Intent and Purposes.* This section is adopted in furtherance of the policy set forth in the Newton Comprehensive Plan to assure the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City.

(b) *Definitions.* For the purposes of this section, the following words and phrases have the following meanings:

Commission: The Newton Historical Commission, or if the regulated building or structure is in a local historic district established pursuant to G.L. c. 40C, the local historic district commission.

Commission staff: The person(s) regularly providing staff services for the commission whom the commission has designated commission staff for the purposes of this ordinance.

Commissioner: The commissioner of inspectional services.

Application: An application to the commissioner for a demolition permit as defined by this ordinance.

Demolition permit: Any permit issued by the commissioner which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

Total demolition: The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

Partial demolition: The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character

of the structure.

(1) Items requiring review by the commission at a hearing. Partial demolition of any architecturally significant features which would alter the massing of the existing structure including, but not limited to the following items.

a) Additions or alterations determined to be architecturally significant by commission or commission staff.

b) Roofs, including flat roofs, determined to be architecturally significant by commission or commission staff.

c) Porches determined to be architecturally significant by commission or commission staff, except open decks, staircases, and entryways, which are excluded from review.

d) Removal or envelopment by subsequent additions of 50% or more of any single exterior wall surface. Each wall is calculated by square footage individually.

e) Demolition of any architectural detail determined to be architecturally significant by commission or

- i) Brackets
 - ii) Crown molding
 - iii) Porch columns and railings
 - iv) Bay windows
 - v) Dormers
 - vi) Chimneys
- (2) Items requiring review by the commission that may be reviewed and approved by commission staff without a hearing if plans indicate
 - a) Removal or alteration of the roof structure.
 - b) Repair or replacement of existing and original porches with similar materials to match existing.
 - c) Demolition or construction of additions or alterations not visible from a public way.
 - d) Removal or envelopment by subsequent additions of 50% to 100% of any single exterior wall surface. Each wall is calculated by square footage.
- (3) *Items considered to be de minimis and requiring no commission or commission staff review:*
 - a) Open porches and entryways consisting of only a set of stairs, an entrance platform and a roof which are utilitarian in design or do not contribute to the architectural significance or character of the building.
 - b) Demolition or construction of new additions which remove, alter, or envelop 50% or less of a single

exterior wall.

- c) Removal or alteration of less than 50% of the roof structure
- d) Normal maintenance of a building’s exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

Historically significant building or structure: Any building or structure which is in whole or in part fifty or more years old and which

- (1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or
- (2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or
- (3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:
 - a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America: or
 - b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or
 - c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

Preferably preserved: An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in subsection (c)(5) below.

(c) *Procedure.*

- (1) No demolition permit for a building or structure which is in whole or in part fifty or more years old shall be issued by the commissioner except in conformity with the provisions of this section, as well as any other applicable law, statute, ordinance or regulation.
- (2) If any applicant and the owner of the building or structure, if different from the applicant seeks to demolish, in whole or in part, a building or structure which is in whole or in part fifty or more years old, the owner of the building or structure shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:
 - a) a site plan or a copy of that portion of the tax assessor’s map which shows the building or structure to be demolished and the property on which it is located;

- b) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;
 - c) a description of the proposed plans for demolition and the reason(s) therefore.
- (3) Within fifteen (15) days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination. The commission may delegate the determination that a building or structure is historically significant to commission staff or to a designated commission member. In the event that the commission delegates the determination to the commission staff or to a designated commission member, the commission shall adopt criteria to be followed by the staff or the member in making this determination.

A determination that a building or structure is or is not historically significant made by the commission staff or a designated commission member may be appealed to the full commission by filing a notice of appeal with the commission not later than fifteen (15) days after the written notice that the building or structure is or is not historically significant has been filed with the commissioner. Filing the appeal of the determination shall not stay the effect of such determination. Following a hearing before the commission, which may, but is not required to be conducted in conjunction with the hearing on whether the building or structure is preferably preserved, the commission shall affirm or reverse the determination and file notice of such determination with the commissioner. If the appeal of the determination is made independent of the preferably preserved hearing, the commission shall follow the same procedure for such hearing as that set forth in subsection (c)(5) below. If the commission fails to conduct a hearing on the appeal of said determination or fails to rule on the appeal within forty-five (45) days from the filing of the appeal, the determination that a building or structure is or is not historically significant shall remain unchanged, and the commissioner shall not issue a demolition permit until the procedural requirements of subsection (c)(5) below have been satisfied.

- (4) No demolition permit shall be issued by the commissioner for a building or structure determined to be historically significant until the procedural requirements of subsection (c)(5) of this ordinance have been satisfied. The commissioner may grant the demolition permit if the commissioner:
- a) does not receive written notice within forty-five (45) days after the commission's receipt of a demolition permit application that the building or structure is historically significant; or
 - b) receives written notice from the commission that the building either is not historically significant, or is historically significant, but clearly would not be deemed preferably preserved by the commission.
- (5) When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure, or the portion of the building or structure to be demolished, is preferably preserved. The applicant shall provide the commission with the following information for this determination:
- a) in the case of partial demolition involving alteration(s) or addition(s) to a building or structure, (i) proposed plans and elevation drawings for the affected portion of the building or structure; and (ii) a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s); and
 - b) if the site of the building or structure to be demolished is to be redeveloped, plans showing the use or development of the site after demolition together with a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development.

The date the commission receives all the above information shall be stamped on the information received and shall be considered the submission date. Following public notice as set forth in subsection (c)(8) of this ordinance, the commission shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be preferably preserved, based on the criteria set forth in this paragraph. If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved.

- (6) Upon a determination that the building or structure which is the subject of an application for a demolition permit is preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant.
- a) For a building or structure listed in the National Register of Historic Places or determined eligible for listing in the National Register of Historic Places by the Massachusetts Historical Commission no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure until eighteen (18) months after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such eighteen (18) month period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
 - ii) has agreed to accept a demolition permit on specified conditions approved by the commission.
 - iii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.
 - iv) The applicant shall have two (2) years from the date of the expiration of the eighteen (18) month period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.
 - v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
 - (a) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,
 - (b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.
 - vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.

- b) For all other buildings and structures not covered under section (6)a) above, no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure found preferably preserved until one (1) year after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such one (1) year period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
 - ii) agreed to accept a demolition permit on specified conditions approved by the commission.
 - iii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.
 - iv) The applicant shall have two (2) years from the date of the expiration of the one (1) year period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.
 - v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
 - (a) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,
 - (b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.
 - vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.
- (7) In the event a transfer of ownership of a preferably preserved property occurs during the applicable demolition delay period, the full applicable demolition delay period will restart from the date of the transfer of ownership.
- (8) In the event a transfer of ownership of a preferably preserved property occurs after the applicable demolition delay period expires but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures set forth in section 22-50 (c) (5).
- 9) Upon a determination by the commission that a building or structure is not preferably preserved or upon the commission's failure to make any determination within forty-five (45) days of the submission date, the commissioner may grant a demolition permit for the building or structure.
- (10) Public notice of commission hearings shall provide the date, place and time of the hearing and the addresses of the properties to be considered at the hearing. Public notice shall include, at a minimum, posting with the

city clerk and notification to the director of planning and development, to the applicant, to the owners of all abutting property and to other property owners deemed by the commission to be materially affected.

- (11) If the applicant is someone other than the owner or his designated agent a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant may apply for changes to their property.

(d) *Emergency Demolition.* If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the commissioner. As soon as practicable after the receipt of such request, the commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the city engineer or his designee; the fire chief or his designee; the chairman of the commission or his designee; and one (1) disinterested person chosen by the commissioner. After inspection of the building or structure and consultation with the other members of the board, the commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the commissioner issues an emergency demolition permit under the provisions of this section of the ordinance, he shall prepare a written report describing the demolition of the building or structure and the basis of his decision to issue an emergency permit with the commission. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143, sections 6-10.

In the event that a board of survey is convened under the provisions of M.G.L. c. 143, section 8 with regard to any historically significant building or structure, the commissioner shall request the chairman of the commission or his designee to accompany the board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the commission.

(e) *Non-Compliance.* Anyone who demolishes a historically significant building or structure without first obtaining and complying fully with the provisions of a demolition permit issued in accordance with this section shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day of violation of this ordinance.

In addition, unless a demolition permit issued in accordance with this section was obtained and unless such permit was fully complied with, including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant's plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property."

The commission may, upon application to and determination by the commission that reuse of the property in accordance with building plans prepared by the owner and submitted to the commission and all relevant agencies will substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the site or the surrounding neighborhood, waive the fine, in whole or in part, and/or the ban on issuance of a building permit in order to allow the issuance of a building permit for construction or reconstruction of

a building or structure approved by the commission. An owner receiving a waiver of the fine and/or ban on issuance of a building permit under this provision shall execute a binding agreement enforceable against all heirs, assigns and successors in interest with the commission to insure that any reuse of the site undertaken during the two-year ban shall be implemented in accordance with the plans, terms, and conditions approved by the commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the commission's approval granted under this provision shall also permit reinstatement of the fine for non-compliance with this ordinance.

(f) *Securing Historically Significant Buildings and Structures.* If, following an application for a demolition permit, a building or structure has been determined to be historically significant, and the building or structure is subsequently destroyed by fire or other cause before any determination is made by the commission as to whether the building or structure is preferably preserved, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the commissioner that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

(g) *Securing Preferably Preserved Buildings and Structures.* If during the period of demolition delay for a building or structure determined to be preferably preserved, such building or structure is destroyed through fire or other cause, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the preferably preserved building or structure was located (except as necessary to secure public safety or health) until the end of the period of demolition delay, unless the owner can provide evidence to the commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

(h) *Buildings and Structures located in Local Historic Districts.* The provisions of this ordinance shall not apply to any building or structure located in a local historic district established pursuant to M.G.L. c. 40C and subject to regulation by the local historic district commission under the provisions of Sec. 22-40 of the Revised Ordinances.

(i) *Severability.* In case any section, paragraph, or part of this section is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.

(j) *Enforcement.* The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this section.

(k) *Applicability.*

(1) Notwithstanding the foregoing, this section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.

(2) This subsection shall not apply to buildings or structures which have been designated as landmarks pursuant to Sec. 22-60 of the revised ordinances.

(Ord. No. S-230, 12-1-86; Ord. No. S-315, 6-20-88; Ord. No. T-252, 12-7-92; Ord. No. U-19, 6-20-94; Ord. No. V-98, 12-16-96; Ord. No. V-99, 12-16-96; Ord. No. X-205, 5-1-06; Ord. No. Z-22, 04-22-08; Ord. No. Z-76, 02-07-11;

§ 22-73

NEWTON ORDINANCES — PLANNING AND DEVELOPMENT

§ 22-76

Ord. No. A-74, 04-04-16)