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Subject: FW: 5-58 Process and Zervas
Date: May 9, 2016 at 3:09 PM
To: Kathryn Winters winters41@mac.com

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From: David A. Olson [mailto:dolson@newtonma.gov]
Sent: Monday, May 09, 2016 2:21 PM
To: rrcexec <rrcexec@regulatoryresearch.com>
Subject: 5-58 Process and Zervas

Sallee,

It was a pleasure talking with you this morning regarding the 5-58 process and the architects' recommendations for modifications to traffic flow, blue-zones and turning lanes that were discussed at the Design Review Committee meeting in April, as well as at the April Waban Area Council where the community provided their thoughts and ideas.

As we discussed this morning, the 5-58 process refers to Chapter 5, section 58 of the Newton City Ordinances. This section provides the process to be followed for Site Plan Approval for construction or modification of municipal buildings and facilities. I have done some research and have found the following:

The original 5-58 request from the Design Review Committee to the Board of Aldermen which requested the approval of the Site Plan for Zervas was made in October of 2014. A public Hearing on the Plan was opened and closed on November 12, 2014 - the Committee Report and its attachments can be found on-line here:

[http://www.newtonma.gov/civicax/filebank/documents/62565/11-12-](http://www.newtonma.gov/civicax/filebank/documents/62565/11-12-14%20Public%20Facilities%20Report%20(2).pdf)

[14%20Public%20Facilities%20Report%20\(2\).pdf](http://www.newtonma.gov/civicax/filebank/documents/62565/11-12-14%20Public%20Facilities%20Report%20(2).pdf) . One of the big concerns that both the neighbors who spoke at the Public Hearing, and the members of the Board of Aldermen in attendance, were the traffic patterns around the site. It was discussed by the Aldermen that conditions should be placed in the Site Plan Approval Board Order that required that this issue be further addressed.

The Site Plan for the new Zervas School was approved by the full Board on December 1, 2014 and included condition #7 (a copy of the Board Order is attached).

Condition 7 states:

7. The Public Works Commissioner shall recommend to the Board of Aldermen possible street improvements to address the following concerns:

- i. Promote overall safety and operation at the intersection of Beacon Street and Beethoven Avenue including all approaches that may include but not be limited to upgrade of existing traffic signal equipment, vehicle detection systems, ADA compliance, pavement markings/treatments, advanced warning systems, signage, etc.;*
- ii. Maintain and/or improve vehicular circulation during morning drop-off and afternoon pick-up activity along Beethoven Avenue that may include but not be*

limited to a modified 'blue' zone and lane configuration along Beethoven Avenue; and

- iii. Improve pedestrian safety along Beacon Street, Beethoven Avenue and all adjacent walk routes to the Zervas School as deemed appropriate by the Transportation Division that may include but not be limited to sidewalk improvements, pedestrian activated traffic signals, ADA compliance, street lighting, etc.*

Before any work can be done in terms of street improvements around the site, the Public Works Commissioner is going to have to present a plan to the Public Facilities Committee of the City Council that addresses the above concerns. City Ordinances Chapter 26, section 51 requires public way improvements that are considered specific repairs to be approved by the City Council. The text of the section is below:

Sec. 26-51. Public way improvements constituting specific repairs.

Major construction work on public ways that falls within one or more of the subsections below shall be deemed "specific repairs" which require approval by the board of aldermen pursuant to the provisions of G.L. c. 82, § 17:

(a) design changes which would result in a change of the flow of vehicular traffic, such as adding or deleting a traffic island or changing the width of the roadway portion of a way so as to result in a deletion or addition of one or more travel or turning lane(s);

(b) Projects that include the addition, relocation, or removal of vertical deflections in a public roadway surface constructed for the primary purpose of reducing vehicle speeds. Such devices include, but are not limited to: speed humps, raised crosswalks, and raised intersections;

Prior to approval of projects under (a) and (b), the board of aldermen shall review the associated traffic council action and its consistency with Board policies set forth in Section 19-33(a); and

(c) work that is privately funded and estimated by the city engineer to cost a sum greater than one hundred thousand dollars (\$100,000.00).

Chapter 19 of the City Ordinances also gives control of specific traffic and parking restrictions to the Traffic Council, and whatever is eventually planned around this site must be submitted to and be approved by the Traffic Council as well.

Although there is no required "Public Hearing" for either of these bodies around this issue, both the Public Facilities Committee and the Traffic Council hold open public meetings and anyone can attend. Both as a matter of course also seek input from those in attendance.

If you have any questions, please let me know.

David

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