

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, MAY 27, 2008

Present: Ald. Lappin (Chairman), Linsky, Hess-Mahan, Parker, Yates, Ciccone
Absent: Ald. Sangiolo, Vance
Also Present: Ald. Lennon

Others Present: Michael Kruse (Director, Planning Dept.), Judy Jacobson, Charlie McMillan (CPC Members), David Wilkinson (Comptroller), Richard Belkin (Friends of Farlow Park), Karyn Dean (Committee Clerk)

REFERRED TO COMMUNITY PRESERVATION & FINANCE COMMITTEES

#193-08 THE COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$40,000 (including \$750 for legal costs) be appropriated from the FY08 Community Preservation historic resources and general reserves, to determine the feasibility of restoring the historic 1880s pond in Farlow Park. [05-12-08 @ 10:07 AM]

ACTION: **APPROVED 6-0**

NOTE: Charlie McMillan of the Community Preservation Committee presented this item. This money was for a feasibility study which came out of a previously approved study to restore the entire park. The concept has been pared down to suit eligibility requirements for CPA funds. The pieces of this proposal that have been isolated were certifiable preservation pieces. This study would be to determine whether or not it was feasible to re-create the pond. There was a water circulation system that needed to be resurrected and the most likely way to do that would be to dig a well to bring water up and away.

The budget would be \$750 for legal fees; \$13,000 for well investigation/groundwater testing; \$5,000 for original outflow system to Eldredge St. sewer; \$5,000 for inspection and redesign of pond basin; and \$16,250 for design of pumping and irrigation system and long-term operations and maintenance plan.

Richard Belkin said that he's been on the Friends of Farlow Park committee from the beginning along with Keith Jones. He was also the Chairman of the CDBG committee for Newton Corner. He said that the community was strongly behind investing a substantial amount of money in this endeavor. The idea for the well was also to use the water, if found, to irrigate the grounds for free, as opposed to using MWRA water. There was quite a bit of underground water in the neighborhood proven by culverts in the area so he felt that chances were quite good for finding a water supply to restore the pond.

The

neighborhood contributed about \$5K toward the original \$55,000 budget which was a requirement at the time and showed a strong neighborhood commitment. There was no apparent reason for letting this resource deteriorate. This would be an exploratory well so if water was not found, they were authorized to continue on to find other ways to restore the pond as a historic resource and the budget would be re-developed for an alternate approach.

Jay Walter, a local architect and also on the Friends of Farlow Park committee, said that they have gotten support from the two preschools, three churches, and PTO of the elementary school that are all adjacent to the park. There has been strong support from the community in the past for the upkeep of the park and the neighborhood association has maintained the gazebo. The pond was originally supplied by city water but they were looking into the well system as a more feasible supply. The water supply was taken out by the city in the 1950s but the Public Works Department does not have a drawing that shows where the water filled the basin. He reiterated that this was a purely historic project as it was the oldest park in the city. Thomas Coan, also on the committee felt it was a wonderful opportunity. The Parks and Recreation Department told them that they really couldn't expect much in terms of maintenance support. Keeping that in mind, the design would require minimal maintenance and the Parks & Rec. Dept. would have to approve the plan. Mr. Coan referenced a pond in Worcester that had a very low-tech system and he was told by the City that it cost very little to maintain.

Ald. Lappin asked if the irrigation piece of this was considered an historic use. Mr. Belkin said that it was not part of their consideration; it would be an extra benefit but was not fundamental to their request. Until the study was done, it would not be known if the irrigation would be possible.

Ald. Lappin also asked if there was a liability issue in creating a water source. The Law Department determined that there was not, provided there was no fee charged for the use and the city does not act in a "willful, wanton or reckless manner." Mr. Belkin said that it was going into their design decisions to mitigate hazards. The water depth would be approximately 18 inches.

Ald. Lennon said this application has been revised to fit the requirements and concerns of the CPC, the CCP and the Parks and Recreation Department. He felt the Friends of Farlow Park have worked very hard, were very accommodating, and raised an impressive amount of money from the surrounding community. He supported this item.

Ald. Parker would like to have something in writing from the Law Department that this was a legitimate use of CPA funds as historic preservation.

Ald. Ciccone moved to approve this item. The Committee voted in favor 6-0.

REFERRED TO COMMUNITY PRESERVATION & FINANCE COMMITTEE

#383-07 THE COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$498,500 be appropriated from the FY08 Community Preservation Fund's community housing and general reserves for development and associated legal costs of a community housing project proposed at 29 Coyne Road, Waban, by CAN-DO (Citizens for Affordable Housing in Newton Development Organization). [11-13-07 @ 5:09 PM]
This item was amended to \$576,000 for a 3-unit community housing project.

ACTION: **APPROVED 3-1-2 (Ald. Yates opposed; Ald. Ciccone, Parker abstaining)**

NOTE: Judi Jacobson of the Community Preservation Committee reported that the project has received its comprehensive permit. Through that process the water issue was addressed by the city engineer to his satisfaction. Part of the process of getting a building permit would be contacting the tree warden about removal of a city tree and going through their process.

Ald. Parker said he was concerned about the run-off from this site to abutting sites. He said this was a stricter standard than the comprehensive permit drainage standard. He said the committee had wanted to hear from the city engineer that there would be no increase in run off. According to the memo from Lou Taverna, there was a concern and there were recommendations to mitigate the drainage problems. Josephine McNeill said that CAN DO's engineer was going to re-design the system per the recommendation of the City engineer. The City engineer will have to approve the new design. Ald. Parker reiterated that he wanted the standard to be above and beyond what the code was so that they could be absolutely sure the abutters were not affected. He remembered that the last vote the committee took on this item was to hold it until they had assurances from the city engineer that the abutters were not affected by drainage problems. Ms. Jacobson noted that the ZBA included a specific condition that matched the city engineer's recommendation, filed on April 30, 2008:

"That a revised plan of the proposed leaching galleys and dry well drainage system be submitted for review and approval of the City Engineer and shall include a replacement of the system with a storm water retention system that includes a pumping system that will allow capture of storm water with delayed release to the City Drainage, as recommended by the City Engineer, prior to issuance of any building permit."

Michael Lepie, 422 Chestnut St., abutter to 29 Coyne Rd. expressed concern that the drainage issues were not being sufficiently addressed to protect his property. He showed several topographical maps that he felt showed the water flow in the area to be problematic with this new construction. Ald. Lappin said that water had to be retained on site and that was a condition of the building permit. Ald. Parker was not convinced that the drainage plan for this site may not be sufficient and said he would speak to the city engineer and would abstain on this vote.

Ald. Parker noted that Mr. Lepie's memo stated that the property would cover 85% of the lot. The plans, however, showed that it would cover 48% of the lot.

Ramin Doorandish, 28-30 Coyne Rd., said he's owned his property for 15 years and renting the two units for the last 10 years. All the tenants own a car even though they are close to a train station. The character of the street was very important to him and he was concerned about how it would change with more people and more cars parked there.

Ald. Yates said this was a small street and this project would change the character forever. He felt the numerous waivers that were granted for this project proved to him that this was too much for this site. He also felt it was against the standards of smart growth to have these units not within walking distance of services. Density was being added without utility being added. He was it was an unreasonable use of funds. Josephine McNeill said it was within walking distance of the elementary school and the express bus on Washington Street. Ald. Linsky was also concerned about the proximity to public transportation and services. Ald. Lappin said that land in Newton was hard to come by and it would be better to have it closer to public transportation and services, but having more affordable housing was better than not having more.

Ald. Yates also wanted to get further financial information from CAN DO. Alice Ingerson would work on getting their most recent audit.

Ald. Lappin said that they would want clarification from the Engineering Department in regard to the drainage issue in time for the Finance Committee meeting. Memos from the City Engineer are attached to this report.

The committee voted to approve by a vote of 3-1-2.

Meeting adjourned.

Respectfully Submitted,

Cheryl Lappin, Chairman

City of Newton



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

David B. Cohen
Mayor

June 4, 2008

MEMORANDUM

To: Mike Kruse, Director of Planning & Development (via email)
From: Lou Taverna, City Engineer
Subject: Comprehensive Permit – 29 Coyne Road
Clarification of Memo of March 31, 2008

Engineering Division is in receipt of Mr. Michael Lepie's letter of April 2, 2008 concerning the flow of groundwater from higher elevations toward his property at 31 Coyne Road, as well as toward the property at 34 Gordon Road, and the impact of the Can Do project at 29 Coyne Road on this current flow of groundwater.

Mr. Lepie is concerned that the proposed development (the structure and its foundation) will create a dam that the groundwater will have to flow around, causing erosion of underlying soils at the Can Do property as well as his and other properties.

Mike Kruse, Frank Nichols and I attended a site visit with Mr. Lepie on April 29. During the site visit we explained to Mr. Lepie that the design engineer of the Can Do project is obligated to design a drainage system which has no adverse impact on the surrounding properties. It is the responsibility of the Engineering Division, through the building permit review process, to ensure that the design engineer has designed the drainage system so there is no adverse impact on the surrounding properties.

This requirement implies that no additional stormwater will be allowed to flow onto surrounding properties due to the project. This requirement also implies that no additional groundwater will be allowed to flow onto surrounding properties due to the project.

For the issue of groundwater flow around the Can Do project (the dam effect), the design engineer for the Can Do project will be required to take this into account in his drainage design. The designer will be required to design a drainage system and building foundation system that does not allow additional flow of groundwater onto the surrounding properties. Engineering Division, during building permit review, will ensure that the proposed drainage system design takes this groundwater flow issue into account.

In my memo of March 31, I addressed the issue of stormwater retention and discharge on the Can Do property, and the requirement for the design engineer to design an on-site stormwater holding tank, which detains the stormwater on-site, and discharges the stormwater into the City's drainage system on Coyne Road. The stormwater would be discharged after the storm subsides, when the flow in the City's drainage system has subsided. Note that the City's stormwater policy requires on-site stormwater recharge to groundwater where feasible. In this case, on-site recharge of stormwater to groundwater is not feasible, and we will allow stormwater discharge into the City's drainage system. Engineering Division will ensure that the proposed drainage system does not impact abutting properties.

LMT

cc: John Daghlian
Candace Havens
Bob Merryman
Tom Daley
Dave Turocy
Frank Nichols
Natasha Bhan

City of Newton



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

David B. Cohen
Mayor

March 31, 2008

MEMORANDUM

To: Mike Kruse, Director of Planning & Development (via email)
From: Lou Taverna, City Engineer
Subject: Comprehensive Permit – 29 Coyne Road

CC: John Daghlian, Associate City Engineer (via email)
Candace Havens, (via email)
Bob Merryman, Planner (via email)

In reference to the above Comprehensive Permit, the Engineering Division has reconsidered our comments regarding the on-site drainage requirements for the following plan entitled:

Site Plan of Land
29 Coyne Road
Newton, MA
Prepared by: Everett M. Brooks Company
Dated: February 19, 2008

Drainage:

It has been brought to our attention by an abutter of the property at #29 Coyne Road that the drainage improvements as currently presented on the drawings may cause an adverse effect on the current groundwater situation on the abutting properties, particularly #422 Chestnut Street, #34 Gordon Road, and to a lesser extent, #31 Coyne Road. The issue is the disposition of stormwater as groundwater recharge.

The engineer for #29 Coyne Road, Everett M. Brooks Co., has designed a stormwater collection system which collects the stormwater from the proposed impervious areas of the property, and discharges the stormwater into a leaching galley and drywell on site. The stormwater then discharges into the soils below the stormwater structures, into the groundwater. Although the percolation rates for the loamy sand soils below the stormwater structures are acceptable for groundwater discharge, test pits reveal impervious material (not identified, but most likely glacial till or bedrock) about 2 to 4 feet below the proposed stormwater structures. This impervious material slopes downhill (as does the surface topography) toward the above mentioned abutting properties. Groundwater was not observed in the on-site test pits, indicating to me that the groundwater flows on the surface of the impervious material off the property onto the abutting properties.

The abutter's concern is that the proposed stormwater collection system will increase the flow of groundwater (as stormwater) toward the abutting properties, and away from #29 Coyne Road. The abutter has indicated that these abutting properties already have groundwater problems, including wet basements, which are currently mitigated by sump pumps. The abutter argues that the proposed stormwater system will have an adverse effect on an already bad situation.

I agree in principal with the abutter's concerns. The intent of the City's stormwater policy is to require developers to install stormwater collection and discharge systems that do not impact abutting properties. In this case, it appears that the proposed stormwater collection system may impact the abutting properties.

I have asked the developer's engineer, Everett M. Brooks Co. (Michael Cosmo), to evaluate the feasibility of an on-site stormwater holding tank, which detains the stormwater on-site, and discharges the stormwater into the City's drainage system on Coyne Road. This may require pumping from the holding tank to an on-site drain manhole, and then gravity flow from the drain manhole to the City's drain manhole. The stormwater would be discharged after the storm subsides, when the flow in the City's drainage system has subsided.

Note that the City's stormwater policy requires on-site stormwater recharge to groundwater where feasible. In this case, on-site stormwater to groundwater is not feasible, and we will allow stormwater discharge into the City's drainage system.

The previous comments regarding other drainage issues still apply, and are repeated here:

2. The applicant also has proposed installation of curbing along the downstream edge of the proposed driveway, although this is a very good idea, the use of asphalt is not wise, as snowplows will destroy the curb, and defeat the integrity of the curb acting as a backstop for the runoff from the driveway. If the curbing is damaged, the downstream property may experience additional runoff from this project, to prevent this it is recommended that granite curbing be installed in lieu of asphalt so that the curbing properly captures the runoff and directs it to the on-site drainage system as its original design intent.

3. An Operations and Maintenance Plan is need for the proposed on-site drainage system. It is imperative that the long term maintenance of the on site drainage system is properly maintained and inspected by a Registered Professional Engineer to ensure that the system is properly functioning as it's original design intent. The Operations & Maintenance Plan shall be recorded at the Middlesex Registry of Deeds and with the City Engineer.

LMT

cc: T. Daley
D. Turocy
F. Nichols
M. Rose
N. Bhan