

MEMORANDUM

To: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN
From: Planning Department Staff 
RE: INFORMATION FOR JUNE 0, 2 06 WORKING SESSION
DATE: JUNE 16, 2006
CC: PETITIONERS

IN RESPONSE TO QUESTIONS RAISED AT THE LAND USE COMMITTEE PUBLIC HEARINGS, PREVIOUS WORKING SESSION MEETINGS, AND/OR STAFF TECHNICAL REVIEWS, THE PLANNING DEPARTMENT IS PROVIDING THE FOLLOWING INFORMATION FOR THE UPCOMING WORKING SESSION MEETING.

PETITION #102-06(2) AND PETITION #102-06(03) - LAGRANGE STREET/KESSELER WOODS

These are petitions to rezone the site, a portion of property known as Kessler Woods, from SR3 to MR3, and to construct a 62 unit residential development on 15 acres of land north of LaGrange Street. In addition to a special permit for multi-family attached dwellings, the petitioner is also seeking a special permit for the height (46ft.+/-) and number of stories (3 1/2) for the multi-family dwelling, and also seeking several waivers to the parking ordinance. The petitioner presented its proposal to the Land Use Committee of the Board of Alderman on March 14, 2006 and April 11, 2006. This is the fourth working session of the Land Use Committee on this petition. The following issues were identified for further discussion by the Land Use Committee at the third working session held on June 7, 2006.

➤ *At the last working session Alderman Parker suggested the petitioner provide funds for the City to hire a peer review to draft blasting conditions for a Board Order. Alderman Parker asked for information on potential health and/or environment hazards created by dust released during blasting or from residues of the blasting agents themselves.*

Though the Planning Department does not have expertise in blasting impacts, it is our understanding that the use of blasting mats prevents not just "flyrock" but also helps prevent the release of dust into the air. Dust is also a factor during the drilling of bore holes for placing the blasting materials, but this drilling releases a minimal amount of dust. During blasting and subsequent rock crushing water mist can be sprayed over the rock material to prevent the release of dust into the air. Our research also leads us to believe that two types of blasting agents should not be used. The first is ANFO (Ammonium Nitrate Fuel Oil), because it can result in high levels of carbon monoxide, among other reasons. The second is perchlorate, which the Massachusetts Department of Environmental Protection (DEP) said has been detected in public water supply wells where blasting has occurred.

As for the construction workers themselves, the U.S. Department of Labor, Occupational Safety and Health Administration regulates the management of hazards associated with explosives and blasting agents and construction workers.

At the last working session, the petitioner's blasting consultant from Haley & Aldrich indicated that they would not use Ammonium Nitrate Fuel Oil, which he identified as being problematic, however

he could not specify what would be used, as he indicated that such details would be determined by the blasting contractor, once one is selected.

As such, the Planning Department believes it is most appropriate for the petitioner to provide a blasting plan as a condition prior to the issuance of any building permits. The blasting plan should include a list of all proposed blasting agents to be used at the site and the "Material Safety Data Sheet" for those agents. The blasting plan must also include the recommendations made by the Independent Blasting Consultant from Haley & Aldrich in their memo of May 2, 2006. This plan should be submitted for review and approval by the City's Health and Human Services Department and Fire Department. In addition, in order to assist the Health Department review the potential health and environmental impacts, the Planning Department would recommend that such a condition include a provision that the applicant provide funds for the City to hire an expert to review this plan.

Captain Yerardi of the Fire Department indicated that the State Blasting Regulations do not provide specific details on the blasting agents. The City's Fire Department is more concerned about the explosive potential of the agents and the danger this poses at a job site, not the chemistry of the agents. For example, at the end of each blast day any unused explosives are required to be destroyed at the site, under the direction of the Fire Department detail on site. Captain Yerardi is familiar with Material Safety Data Sheets (MSDS) and would accept these as part of a blasting permit application. However, the Fire Department is not required to act based on any of the information in the MSDS.

> ***The City Traffic Engineer conducted his own speed study on LaGrange Street on May 30, 2006 through June 1, 2006. (SEE ATTACHMENT "A")***

The City Traffic Engineer states that his results indicated higher speed values than those reported by Conley Associates. However, the conclusions are the same: if 400 ft. of sight distance is provided, then the proposed site access driveway location is acceptable. The City Traffic Engineer recommends a condition to require maintenance of visibility in that area by excluding any vegetation that could grow to a height of more than 3.5 ft.

> ***Based on the petitioner's recent indication that the existing cart path would be the initial point of access for construction vehicles and in recognition that some trees may need to be removed, the Planning Department advised the petitioner that these trees need to be shown on the tree removal plan and the replacement trees must be shown on the planting plan. The plan must show the proposed construction entrance on the cart path, and the restoration of the open space, once the main entrance driveway is completed and usable for construction equipment.***

If during construction the petitioner expects to remove trees along the cart path leading into the site to allow for construction equipment and vehicles, then these must be shown on the tree removal list. The landscape plan must also show any proposed replacement trees and restoration of the wooded landscape following construction. With this update of the landscape plan, the City's Senior Environmental Planner requested that more native species be included in the list of evergreen shrub material.

The Planning Department is expecting a revised landscape plan prior to the working session.

➤ *The Land Use Committee asked Woodard and Curran to review the June 2, 2006 memorandum from Haley & Aldrich, which is attached to the June 7, 2006 working session report.*

Woodard and Curran's response is attached (*SEE ATTACHMENT "B"*).

➤ *In consultation with the Chairman, the Planning Department expects that the follow items will be discussed at the June 2^e working session:*

1. June 2, 2006 memorandum from Conley Associates, attached to the previous working session report, and the follow up from the City Traffic Engineer, attached to this memorandum, regarding Site Distance questions.
2. Revised draft Construction Management Plan, dated June 2, 2006, attached to the previous working session report, and the proposed staging plan.
3. Revised parking stall layout in the parking garage in the multi-family dwelling structure.
4. Number of "Inclusionary Units" proposed to be for sale under section 30-24(f) of the City's Zoning Ordinance.
5. Proposed landscape plan.
6. Proposed signage plan.

From: "Clint Schuckel" <cschuckel@newtonma.gov>
To: "Nancy Radzevich" <nradzevich@newtonma.gov>
Date sent: Tue, 06 Jun 2006 14:11:08 -0400
Subject: Re: (Fwd) RE: kessler traffic issues memo
Send reply to: cschuckel@newtonma.gov
Copies to: Itaverna@newtonma.gov
Priority: normal

The City's speed study indicated higher values than reported by the consultant, but if 400 feet of sight distance is provided (45 mph), our conclusions are the same: the proposed driveway location is acceptable. The sight distance triangle assumes a clear zone within the field of view; I would recommend a special permit condition to require maintenance of visibility in that area (i.e., no vegetation over 3.5 feet).

Lagrange St

City of Newton speed counts (eastbound, westbound combined) 5/30/06 to 6/1/06:

mean= 36 mph
85th percentile= 41 mph
95th percentile= 45 mph

On 1 Jun 2006 at 13:17, Nancy Radzevich wrote:

clint

here's the info. from connelly re: speeds/sight distance on lagrange.

if you can comments on this (and/or your own study) before noon tomorrow (friday) we can include it in our working session report. otherwise the committee will be expecting something by wednesday night (june 7th). thanks....and let me know if you have any questions, etc.

nr

- - - - Forwarded message follows - - - -

From: "Brian Beisel" <BBeisel@ConleyAssociates.com>
To: "Tom Southworth" <TSouthworth@cornerstonecorporation.net>
Copies to: <NRadzevicheNewtonMA.gov>, <shadrab@aol.com>
Subject: RE: kessler traffic issues memo
Date sent: Thu, 25 May 2006 12:58:55 -0400

Tom:

Here is the memo we have prepared regarding sight distance, speed study, site driveway location, and truck routes to and from the site.

Please let me know if you have any questions or comments. Please note

the speed study is at the end of the attached PDF.

Brian Beisel

Brian *J.* Beisel
Transportation Engineer
Conley Associates, Inc.
214 Cambridge Street
Boston, MA 02114
617.742.5111 f: 617.742.5333
BBeisel@ConleyAssociates.com

End of forwarded message - - - - Nancy M. Radzevich, AICP
Chief Planner
Department of Planning and Development
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Phone: (617)796-1120
Fax: (617)796-1142

MEMORANDUM

ATTACHMENT B

TO: Lou Taverna

FROM: Mike Schrader and Cary Parsons

DATE: 6/15/2006

RE: June 2, 2006 letter from Haley & Aldrich to Cornerstone Corporation responding to blasting questions.

We have received and reviewed the above referenced document and offer the following:

The approach proposed by Haley & Aldrich intends to meet or in most cases exceed the governing standards for permits and approvals by the blasting control agencies. It is also intends to closely monitor and observe the results of production blasting done in accordance with these standards. If there are problems detected by and of the observation methods, or by home owners, then the procedure is to halt production, convene, the experts redesign blasting methods to prevent further unacceptable impacts from the blasting.

It appears to us at this point that the approach described coupled with a performance based blasting requirements in the order of approval is the most realistic and prudent means to mitigate potentially unforeseen outcomes. It would be in the best interest of the City to incorporate a degree of flexibility in how the City implements the performance standards in order to minimize the rock removal period.