



Newton City Councilor R. Lisle Baker

Date: October 4, 2024
To: City Council
From: R. Lisle Baker, Chair of Zoning & Planning Committee
Re: Upcoming Discussion Regarding First Baptist Church of Newton

Dear Colleagues,

On Monday evening, the Attached to this memorandum is First Baptist's proposal regarding community space in connection with a proposed CPA grant. This document and the backup information came to my attention just recently. The ZAP Committee had put this item on Second Call to allow time to clarify a request regarding continued public access to the space. Please review this new information that are not in the ZAP Committee Report. At the Council, we can:

1. Vote or deny the CPA funding item without any conditions,
2. Vote the item with a resolution recommending that the attached set of undertakings be incorporated in the Funding Agreement;
3. Recommit the item to the CPC so that it can determine if it wants community access to be condition of the award. If this item were recommitted to the CPC it would not need to go through the Council Committees once the determination has been made; or
4. Recommit to ZAP to allow review of these documents at our next meeting on October 10 so that the Committee can make a recommendation about them to the Council for our October 21 Council meeting.

We will discuss these options on Monday night in more detail.

Respectfully Submitted,
R. Lisle Baker, Chair of Zoning & Planning Committee

[First Baptist Church in Newton Letterhead]

October __, 2024

Mayor Ruthanne Fuller
City of Newton
1000 Commonwealth Ave.
Newton Centre, MA 02459

Re: Community Group Use of First Baptist Church Buildings
In connection with City Council Docket Item 334-24
\$2,000,000 CPA Grant for Bell Tower Restoration

Dear Mayor Fuller,

In consideration of the City of Newton's generous grant of \$2,000,000 of Community Preservation Act funds for the restoration of our historic bell tower, First Baptist Church in Newton (the "Church") agrees as follows:

- 1) Community Group Use of Church Buildings - For so long as the Church retains fee simple ownership of one or both of the Church Buildings, the Church will permit and encourage the use by community groups of the Public Rental Spaces in each Church-owned Church Building, subject to the following limitations:
 - a) The requesting community group must be an organization exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code whose use of the applicable Church Building will not put at risk the Church's property tax exemption under state or local law.
 - b) The requesting community group must pay the rental rate established by the Church from time to time for the Public Rental Space being used.
 - c) The rental income to be received by the Church in connection with such use must not be subject to the federal unrelated business income tax.
 - d) The requesting community group must reserve such Public Rental Space in advance in accordance with the Church's space reservation system, and must execute such rental application and such rental agreement as the Church deems appropriate for the requested rental.
 - e) The Church may decline to make a Public Rental Space available during a requested time period (a) if the requested use of the space would conflict with the planned use of that space or an adjacent space by the Church or another tenant (via a long-term, daily or other rental), (b) to facilitate planned maintenance, repair or renovation work, (c) to facilitate compliance with any applicable law or regulation or any agreement to which the Church is a party, (d) due to a safety concern, (e) due to a limitation on the capacity of the Church staff to arrange for, set up, monitor, or clean up or reconfigure furniture or furnishings after the requested rental, or (f) for such other reason as the Church may determine.
 - f) The requesting community group must use the applicable Public Rental Space in accordance with all rules and regulations established by the Church for the use of such space from time to time.

- 2) Status of Sanctuary - The Sanctuary is currently unavailable for use due to safety concerns related to the instability of our bell tower. The availability of the Sanctuary will be restored once the engineer of the tower restoration project determines that the progress of the restoration is sufficient to permit the safe resumption of such use.

- 3) Definitions - The capitalized terms used above shall have the following meanings:
 - a) “Church Building(s)” means the Original Building and the Fogg Building, and any replacement building constructed on the Church Site from time to time. The Church Buildings do not include the Grafton House located at 1301 Centre Street.

 - b) “Church Site” means Lot A and Lot B, as shown on the “Plan of Land in Newton, Mass.” by Edward M Brooks Co., Civil Engineers, dated October 10, 1963, and recorded as Plat No. 1417 in the Middlesex South Registry of Deeds in Book 10379, Page 424). The Church Site does not include Lot C, as shown on such Plan of Land.

 - c) “Fogg Building” means the educational wing completed in 1964 and known as 848 Beacon Street.

 - d) “Original Building” means the stone building completed in 1888 and known as 1299 Centre Street.

 - e) “Public Rental Space” means the Sanctuary, the Chapel, and the Fellowship Hall in the Original Building and the Everts Room in the Fogg Building, and any other space in either Church Building that the Church elects to make available for half-day, daily or other short-term (less than a week) rentals from time to time.

We greatly appreciate the CPA funding being provided by the City of Newton. If the terms and conditions set forth in this letter are satisfactory to the City, please countersign this letter in the space provided below.

First Baptist Church in Newton

By: _____
Vimla Akhouri, Moderator

By: _____
Charles Cossaboom, Jr.

Approved as to legal form and character

By: _____
Assistant City Solicitor

Date: _____

CONTRACT APPROVED

By: _____
Ruthanne Fuller, Mayor

Date: _____

[We will defer to the City Law Department concerning the official(s) to whom this letter should be addressed and the format of the City's contract approval block.]



Zoning & Planning Committee Report

City of Newton In City Council

Monday, September 9, 2024

Present: Councilors Baker (Chair), Oliver, Albright, Wright, Getz, Danberg, and Kalis

Absent: Councilor Krintzman

Also Present: Councilors Farrell, Lipof, and Bixby

City Staff: Jennifer Wilson, Assistant City Solicitor; Jennifer Caira, Deputy Director of Planning; Zachary LeMel, Chief of Long Range Planning; Nora Masler, Planning Associate; Mollie Hutchings, CPA Program Manager; and Jaclyn Norton, Committee Clerk

All agendas and reports, both past and present can be found at the following link: [Zoning & Planning Committee | City of Newton, MA \(newtonma.gov\)](#)

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee - September 9, 2024 \(youtube.com\)](#)

Referred to Zoning & Planning & Finance Committees

#334-24 CPC Recommendation to appropriate \$2,000,000 in CPA funding
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of two million dollars (\$2,000,000) with two hundred and eighty thousand dollars (\$280,000) from Acct. # 5810-335810 (Historic Funds Balance), five hundred thousand dollars (\$500,000) from Acct. # 58B10498-57900B (Historic Budgeted Reserves) and one million two hundred and twenty thousand dollars from Acct. # 58R10498-579000 (FY25 Unrestricted Fund Balance) to the control of the Planning & Development Department for a grant to the First Baptist Church for the restoration of their bell tower.

Action: **Zoning & Planning Approved Subject to Second Call 7-0**

Note: Susan Lunin, Chair of the Community Preservation Committee (CPC), introduced the project. She described that this project would consist of the restoration of the bell tower at the First Baptist Church in Newton Center. The urgency of these repairs was stated by multiple members due to the state of disrepair causing the closing of the main building and sanctuary. The timeline of the project would be for three construction seasons beginning in Spring 2025. The attached presentation outlines the historical significance of the building and that CPA funds can be used for religious buildings as long as they are reviewed in the same manner as

any other historic resource project. Regarding funding the CPC chose to fund the entire amount requested but to reimburse the church at the match percentage to ensure that the Church is contributing to the project alongside the CPC contribution. The attached presentation provides a breakdown of funding sources and the accounts that the CPC funding would come from.

Councilors asked what the resulting balance of the historic reserve account would be if this request was fulfilled and why this project was not bonded. Mollie Hutchings, CPA Program Manager, stated that if this project and item #335-24 were approved it would deplete the historic funds balance. This does not limit historic projects from receiving CPA funding, but the funding would come from the unrestricted fund balance. Regarding why this project was not bonded, Ms. Lunin and Ms. Hutchings both stated that the current amount allocated to debt service is approximately 1.5 million dollars per year and that increasing this would take up an even larger percentage of the budget. Councilors asked if the church has raised the funding yet that is outlined in the presentation. Reverend Jana Yeaton stated that the Church would begin a capital campaign once this funding has been secured due to individuals being less likely to donate if they are unsure if the project will go through. They had a consultant conduct a feasibility study and are confident that the church will raise the necessary funding.

Councilors also asked about landmarking the building and if a requirement can be instituted that the church also be preserved as a community space. Regarding obtaining a landmark designation, Ms. Hutchings stated that historic projects that receive CPC funding are issued a preservation restriction that closely resembles a landmark designation. Jennifer Wilson, Assistant City Solicitor, stated that she would need to research if a restriction can be put in place that would require the church to remain a community space if it changed ownership. Committee members agreed to approve the item subject to second call on the agreement that Attorney Wilson provides this information before the item is before the full council.

Committee members voted 7-0 on a motion to approve subject to second call from Councilor Danberg.

Referred to Zoning & Planning & Finance Committees

#335-24 CPC Recommendation to appropriate \$650,000 in CPA funding
 COMMUNITY PRESERVATION COMMITTEE recommending appropriation of six hundred and fifty thousand dollars (\$650,000) from Acct. #5810-335810 (Historic Fund Balance) to the control of the Planning & Development Department for a grant to the Newton Family Access for the renovation of the historic former Davis School Building, which will allow for necessary code-related upgrades.

Action: **Zoning & Planning Approved 7-0**

Note: Ms. Lunin introduced the project and stated that this funding is to provide adequate egress to code, install a sprinkler system for fire safety, and improve building