



# Zoning & Planning Committee Agenda

## City of Newton In City Council

**Wednesday, October 10, 2018**

**7:00PM**  
**Room 205**

### **Items Scheduled for Discussion:**

#### **Referred to Zoning & Planning and Finance Committees**

- #509-18** **Community Preservation Fund appropriation for services for Webster Woods**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thousand dollars (\$100,000) to the control of the Law Department, for professional services related to the protection of open space at 300 Hammond Pond Parkway, as described in the proposal submitted by the Conservation Commission to the Community Preservation Committee in August – September 2018.
- #220-18** **Discussion relative to the Washington Street Corridor Action Plan**  
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.

**Chair's Note:** There will be a discussion of the Committee's review of the Zoning Redesign draft; the meeting design for the upcoming Ward-by-Ward meetings on Zoning Redesign; and the Committee's review of the draft Washington Street Vision Plan.

**Respectfully Submitted,**

**Susan S. Albright, Chair**

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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](mailto: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.



Ruthanne Fuller  
Mayor

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

**#509-18** Telephone  
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Barney S. Heath  
Director

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## Community Preservation Committee Funding Recommendation for 300 Hammond Pond Parkway - Professional Services

date: 24 September 2018  
from: Community Preservation Committee  
to: The Honorable City Council

### PROJECT GOALS & ELIGIBILITY

This proposal requests \$100,000 in CPA funding for professional services from a team of consultants, to be assembled by contracted counsel, to recommend a strategy and estimate associated costs for protecting the open space character of the rear, wooded portion of the land at 300 Hammond Pond Parkway sold to Boston College in 2015 by Congregation Mishkan Tefila.

Protection of this woodland is identified as a priority in "Action Plan" of the City of Newton's *2014-2020 Open Space and Recreation Plan* and is eligible for CPA funding as the preservation of open space.

### RECOMMENDED FUNDING

On 13 September 2018 the Community Preservation Committee voted unanimously 9-0 to recommend appropriating the requested \$100,000 for the purposes stated above, to the control of the Law Department and from the Community Preservation Fund's Fy19 budget reserve for open space.

### SPECIAL ISSUES CONSIDERED BY THE CPC

**Open space and recreation values:** This wooded area, known informally as "Webster Woods," contains a mature forest canopy, healthy understory, significant rock outcroppings, multiple well-established trails and a pristine vernal pool known as "Bare Pond." It has a minimal presence of invasive species and is home to many native species of plants, fungi and insects that are rare in Newton. Its protection is critical for preserving the ecological integrity of the surrounding parcels that are already protected through public ownership.

**Required permanent restriction:** The Community Preservation Act (MGL Ch 44B) requires that any real property acquired with CPA funds be subject to a permanent restriction "limiting the use of the interest to the purpose for which it was acquired." The Newton Conservators hold such restrictions on other parcels of open space or parkland acquired by the City of Newton with CPA funds. The CPC expects that the City will grant a restriction meeting the statute's full requirements on any land it acquires at 300 Hammond Pond Parkway.

**Other issues considered:** The professional work for which these CPA funds are requested is critical for answering most of the CPC's additional questions, which focused on: the boundaries of the land to be protected, possible methods of protection, the potential use of matching non-CPA private or public funds, and the project schedule. Chief Environmental Planner Jennifer Steel explained that no City representative had

website [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa)

contact Alice E. Ingerson, Community Preservation Program Manager

email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) phone 617.796.1144

expressed an interest in City acquisition of rights to the land containing the former buildings and main parking lot for Temple Mishkan Tefila, fronting directly on Hammond Pond Parkway. The proposal as submitted restates the Mayor's goal of ensuring protection of this parcel by the end of calendar 2019.

**ADDITIONAL RECOMMENDATIONS** *(funding conditions)*

1. The CPC assumes all recommended funds will be appropriated within 3 months, and the professional consultant team will complete its work within 12 months, after the date of this recommendation. If either of these deadlines cannot be met, the Planning and Law Departments should submit to the CPC a written request to extend that deadline.
2. Any CPA funds appropriated but not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

**KEY OUTCOMES**

The Community Preservation Committee will evaluate this project based on how well it meets the timeline above and on its recommendations for further action and funding.

**ATTACHMENTS**

(delivered to the clerks of the Zoning & Planning Committee and Finance Committee)

- Proposal submitted to the CPC August-September 2018
- Public hearing presentation to the CPC on 13 September 2018
- Copy of the CPC's 300 Hammond Pond Parkway webpage, with links to additional information not attached to this recommendation:

[www.newtonma.gov/gov/planning/cpa/projects/webster.asp#Webster](http://www.newtonma.gov/gov/planning/cpa/projects/webster.asp#Webster)

# Goal

## The Protection of “Webster Woods”

- ▶ Precise boundary is yet to be determined
- ▶ Mayor and City Council will determine the boundary, factoring in:
  - ▶ Legal team’s appraisal and assessment
  - ▶ Advisory Panel’s recommendation
  - ▶ Best ecological and recreational result for the larger Webster/Hammond Conservation area
  - ▶ Cost to the City

# Funding Request

## ▶ Contributions

- ▶ \$100,000 from CPC
- ▶ \$5,000 from Law Dept. } Legal team (law, appraisal, envi. science, engineering)
- ▶ Staff time (Mayor's Office, Law Dept., Planning Dept.)
- ▶ Note: Prior City funding for initial Avery appraisal = \$13,500

## ▶ Process

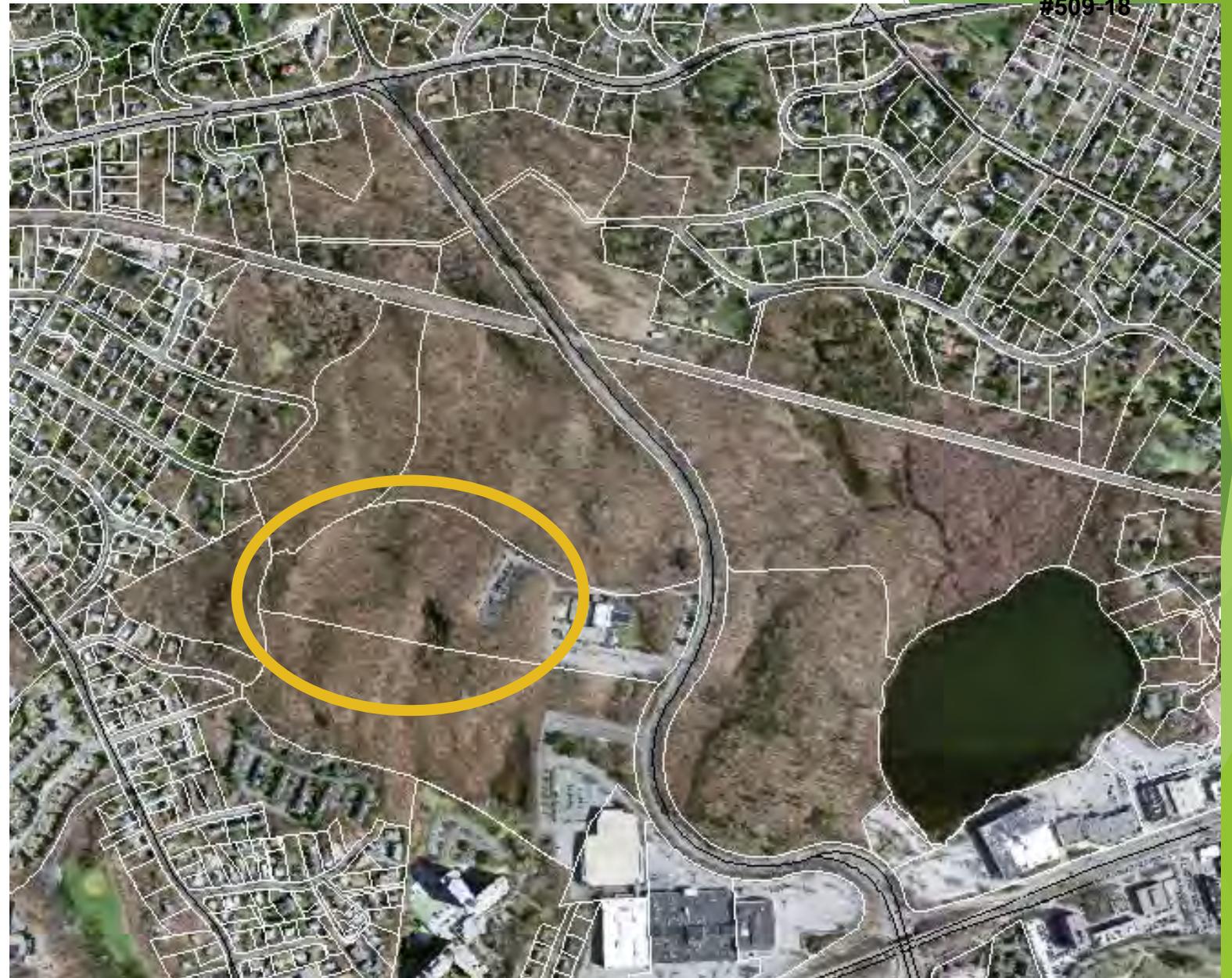
- ▶ Discussion with BC
- ▶ Payment of fair market value

## ▶ Timeline

- ▶ As soon as possible (Counsel has been retained and is developing the full team)

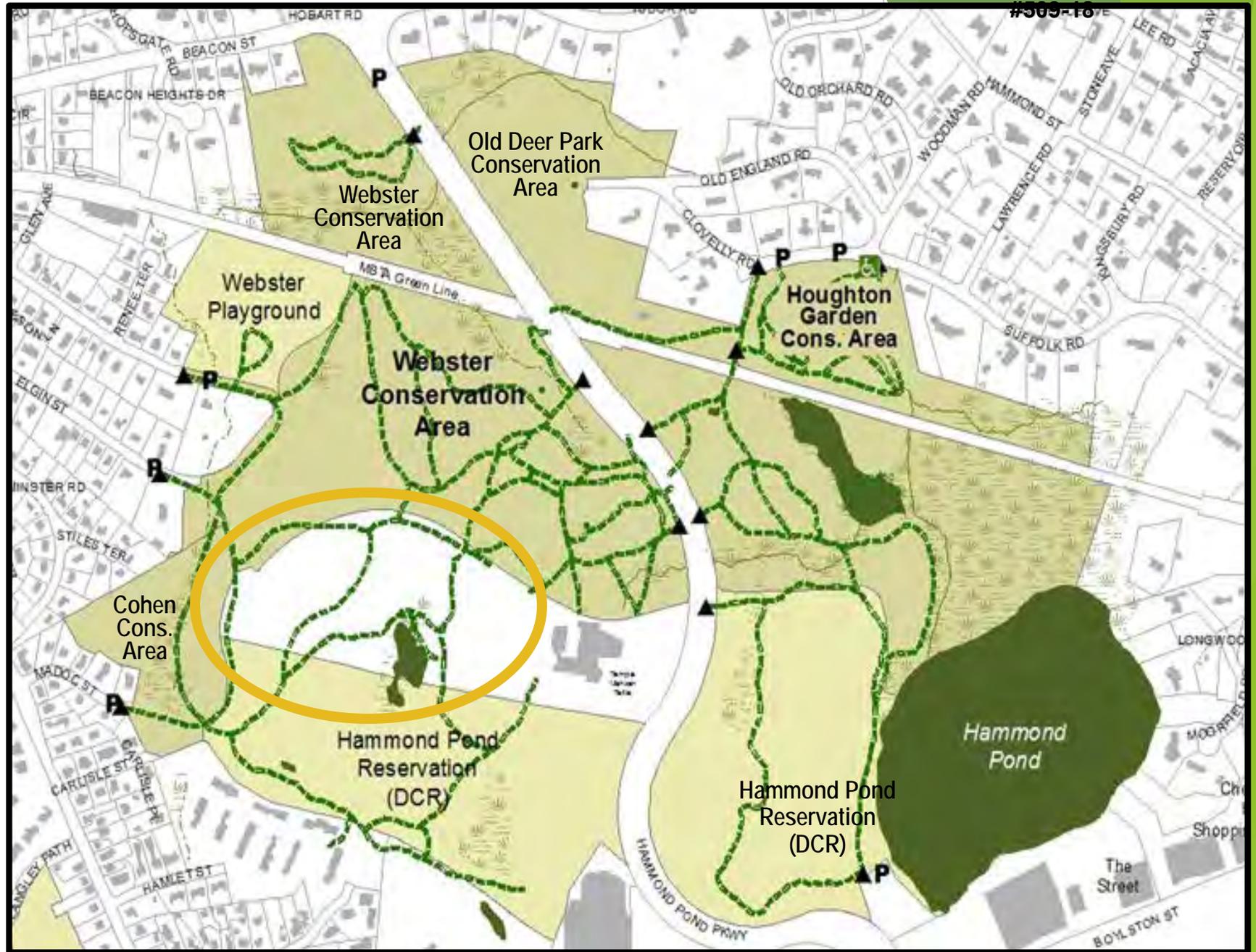
# “Webster Woods”

- ▶ The core of ...
  - ▶ Largest protected natural area in all of Newton ...
  - ▶ With significant ecological value
- ▶ Protection has been a priority in the Open Space and Recreation Plan for years



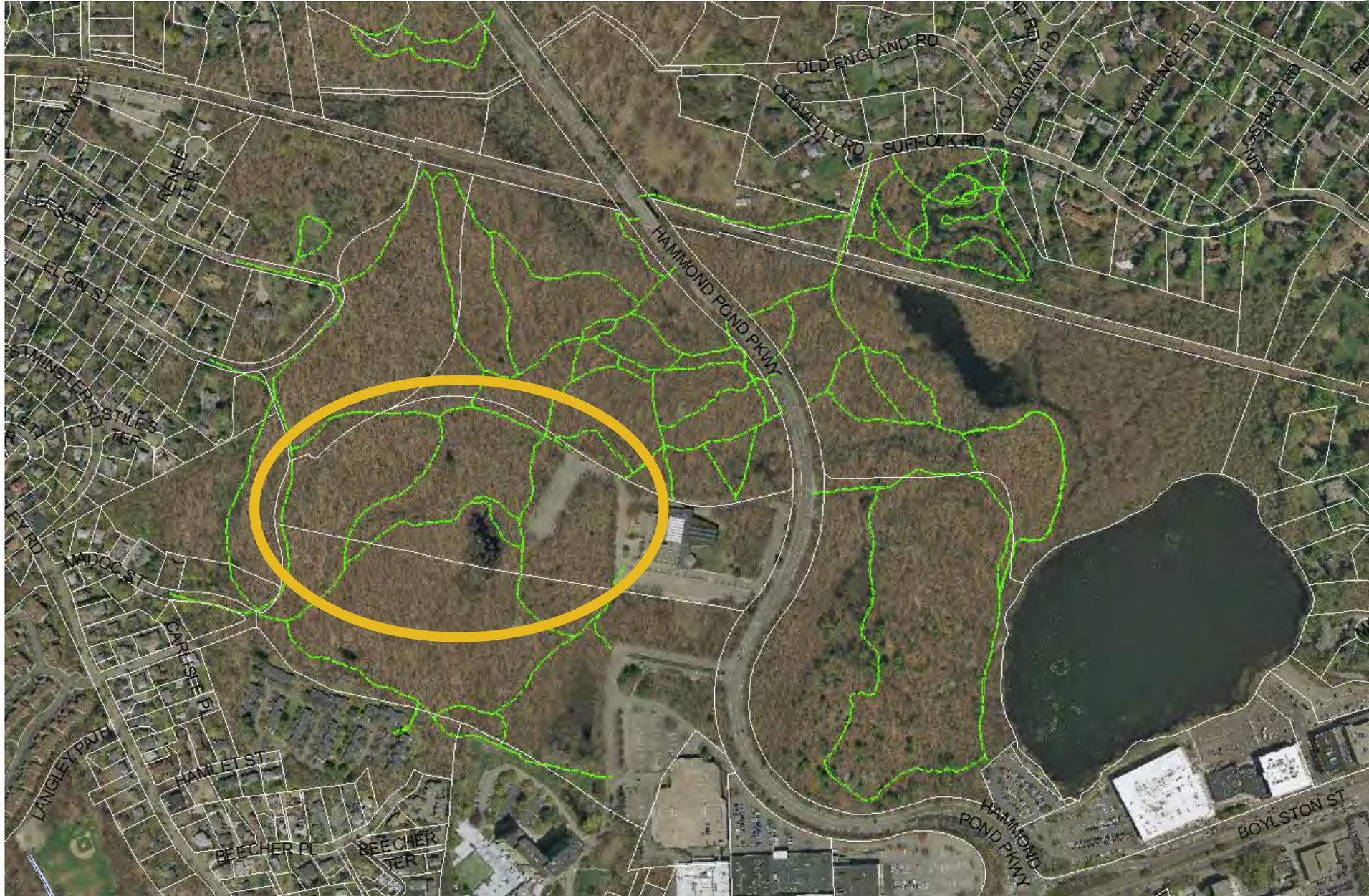
# “Webster Woods”

- ▶ 1650 Thomas Hammond began farming
- ▶ 1852 Railroad line was built
- ▶ **Protection has been carefully pieced together over time**
- ▶ 1916 Webster family gave land to the state (MDC)
- ▶ 1954 MDC sold ~22 acres to Congregation Mishkan Tefila (with a 99-year deed restriction)
- ▶ 1968-79 City acquired ~126 ac.
  - ◆ Webster & Deer Park ('68) - em. do.
  - ◆ Cohen ('73-75) - donation
  - ◆ Houghton ('79) - eminent domain
- ▶ 2015 Board of Aldermen resolution -- requested Mayor to “preserve the recreation and conservation character of 300 Hammond Pond Parkway”
- ▶ **Note the currently unprotected central core**



# Values: Ecological and Recreational

#509-18



Gorgeous, healthy woodlands -- large trees, diverse understory, ledges, wetlands, ...



A large vibrant vernal pool (in the spring) ...



... and in the summer



Broad, open trails ...



Narrow, secluded trails ...



We have an opportunity, and an obligation, to protect Webster Woods ...



... for the generations to come.





Ruthanne Fuller  
Mayor

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

**#509-18** Telephone  
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Barney S. Heath  
Director

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To: Community Preservation Committee, c/o Alice Ingerson, Community Preservation Program Manager  
From: Jennifer Steel, Chief Environmental Planner  
Date: August 13, 2018  
Re: Application for Pre-Acquisition Professional Services related to the Protection of Webster Woods

Dear CPC members:

The Newton Conservation Commission is very pleased to submit this application for pre-acquisition professional services associated with the protection of the rear portion of 300 Hammond Pond Parkway.

300 Hammond Pond Parkway, purchased by Boston College in May 2016 (recently owned by the Congregation Mishkan Tefila) contains the largest piece of entirely undeveloped private land in Newton, consisting of wooded land to the rear of the former Temple building, an undeveloped parking area, and other wooded land beyond. This land is the central core of the largest contiguous area of natural open space in Newton. Along with the adjacent parcels to the south (owned by the Massachusetts Department of Conservation and Recreation) and to the north (owned by Newton's Conservation Commission) these woods comprise over 200 acres. Known informally as Webster Woods, this land has important conservation and recreational value. It is also the site of a currently pristine vernal pool.

The parcel, zoned SR-1, currently has the former buildings and parking lots of Congregation Mishkan Tefila. The property is subject to a 99-year deed restriction, recorded in 1954, limiting the use of the site to educational, religious, or nonprofit recreational activities. The restriction expires on August 3, 2053, but most of the land, including the wooded parcel, could be developed now by Boston College for use as dorms, classroom or office buildings, or parking lots. Such development would be a devastating blow to a critical conservation area, as well as to the access enjoyed by the public generally.

For decades, residents have walked the trails that traverse the wooded portion of 300 Hammond Pond Parkway and connect to the adjacent protected areas.

Protection of the wooded portion of this parcel near the vernal pond<sup>7</sup> is of highest priority on the *Open Space and Recreation Plan* and has the strong support of the City's administration as well as broad public support, including a unanimous vote by the Newton Board of Aldermen in 2015 requesting the Mayor to "work to preserve the recreation and conservation character of 300 Hammond Pond Parkway." The Friends of Webster Woods and the Newton Conservators have worked together to find ways to preserve the much-loved and visited forest, vernal pond, and rock formations.

During her candidacy, Mayor Fuller pledged to protect the wooded portion of the lot and, if possible, an adequate buffer. Upon her election the Mayor created an Advisory Panel (advisory to the Mayor) of 14 residents, representatives of the Conservation Commission, a City Councilor, and City staff. The panel has an Executive Committee of seven. The Planning Department and Law Department are taking the lead on this application process. It is anticipated that once protected, the land will be in the care and custody of the Newton Conservation Commission.

The current CPA funding request is for the cost of professional services to assist the Law Department in protecting this valuable open space. The Law Department will augment the CPC funds with an additional \$5,000. We anticipate coming back to the CPC to request funds for protection/acquisition.

**From:** Ouida C. M. Young  
**Sent:** Saturday, August 18, 2018 1: 38 PM  
**To:** Alice Ingerson <aingerson@newtonma.gov>  
**Cc:** Jennifer Steel <jsteel@newtonma.gov>; Jonathan Yeo <jyeo@newtonma.gov>  
**Subject:** Webster Woods CPA funding request

Dear Alice,

**Please be advised that the Law Department, in consultation with the Planning Department, has agreed to receive the CPA funds appropriated for legal and professional services to support the protection of Webster Woods.**

In accordance with City Ordinances, all contracts for outside legal services are made by the City Solicitor.

As noted in the Webster Woods Phase 1. Pre-acquisition CPA Proposal, the Project Manager will be the Conservation Commission. The Law Department will be working with the Project Manager to provide the legal and professional services funded through the CPA Proposal.

Please let me know if you have any questions. Thank you.

Ouida Young  
Acting City Solicitor  
Newton Law Department  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459  
617-796-1240  
[oyoung@newtonma.gov](mailto:oyoung@newtonma.gov)

**Newton, Massachusetts Community Preservation Program #509-18**

## FUNDING REQUEST

City of Newton



Ruthanne Fuller  
Mayor

PRE-PROPOSAL

PROPOSAL

*(For staff use)*  
date rec'd:

13 August  
2018

Last updated September 2015.

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

For full instructions, see [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa) or contact us:

Community Preservation Program Manager,  
City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459  
[aingerson@newtonma.gov](mailto:aingerson@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.

|   |   |   |   |  |
|---|---|---|---|--|
| <b>Project TITLE</b>  | <b>“Webster Woods” Phase 1. Pre-acquisition</b>   |   |   |  |
| <b>Project LOCATION</b>   | Full street address (with zip code), or other precise location.<br>300 Hammond Pond Parkway, Chestnut Hill MA 02467   |   |   |  |
| <b>Project CONTACTS</b>   | Name & title or organization  | Email   | Phone   | Mailing address  |
| <b>Project Manager</b>  | Jennifer Steel, Chief Environmental Planner and Agent of the Newton Conservation Commission   | jsteel@newtonma.gov   | 617.796.1134  | City of Newton, Planning Dept., 1000 Commonwealth Ave., Newton, MA 02459 |
| <b>Other Contacts</b>   | Ouida Young, Acting City Solicitor  | oyoung@newtonma.gov   | 617.796.1245  | City of Newton, 1000 Commonwealth Ave., Newton, MA 02459                 |
|   | Beth Wilkinson, Chair, Mayor’s Webster Woods Advisory Panel   | bethwilkinson@mac.com   | 617.966.7491  | 14 Trowbridge Street Newton, MA 02459                                    |
| <b>Project FUNDING</b>  | <b>A. CPA funds requested:</b><br>\$100,000 (for pre-acq.)  | <b>B. Other funds to be used:</b><br>\$5,000 City Law Dept (pre-acq.) | <b>C. Total project cost (A+B):</b><br>\$105,000 (pre-acq.) |  |
| <b>Project SUMMARY</b>  | 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. |   |   |  |
| <p>This proposal requests \$100,000 in CPA funding for pre-acquisition professional services (a team to be assembled by contracted counsel) to protect the open space character of the wooded portion of 300 Hammond Pond Parkway, known informally as “Webster Woods.”</p> |   |   |   |  |

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

|   |   |              |                                       |
|---|---|--------------|---------------------------------------|
| <b>Project TITLE</b>  | <b>“Webster Woods” Phase 1. Pre-acquisition</b>   |              |                                       |
| <b>USE of CPA FUNDS</b>   | <b>OPEN SPACE</b>   | <b>or</b>    | <b>RECREATION LAND</b>                |
| <b>Check all</b>  | <b>acquire</b>  | ✓            |                                       |
| <b>COMMUNITY NEEDS</b>  | From each of at least 2 plans linked to the <a href="#">Guidelines &amp; Forms</a> page of <a href="http://www.newtonma.gov/cpa">www.newtonma.gov/cpa</a> , 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. |              |                                       |
| <p><b>2014-2020 Open Space and Recreation Plan, Section 9 – Seven Year Action Plan. Acquisition of a Conservation Restriction by gift, purchase or negotiation on the following whole or partial parcels: <u>Item #2.</u></b><br/>Temple Mishkan Tefila Woods - woods, pond, and sensitive habitats.</p> <p><b>Comprehensive Plan, 2007, page 7-4. Goal #4:</b> <i>To pursue courses of action necessary to protect and preserve remaining large open spaces, including golf courses and parcels owned by institutions and private entities.</i></p> <p><b>Other Community Benefits</b></p> <ul style="list-style-type: none"> <li>• Continued public access to existing trail network and Bare Pond (vernal pool)</li> <li>• Protected diverse, healthy, native habitat and habitat connectivity for wildlife</li> <li>• The added ecological value that this central parcel provides to adjacent State and City-owned open space parcels</li> <li>• The parcel’s contribution to a functioning, intact watershed</li> <li>• Climate change mitigation value of forest cover (reduced heat island effect, carbon sink, severe storm mitigation, etc.)</li> <li>• The public health value of a forested landscape</li> <li>• Educational and recreational opportunities for youth and families</li> <li>• Preservation of tranquil space</li> </ul> |   |              |                                       |
| <b>COMMUNITY CONTACTS</b>   | List at least 3 Newton residents or organizations willing and able to comment on the project and its manager’s qualifications. Consult staff on the community contacts required for your specific proposal.   |              |                                       |
| Name & title or organization  | Email   | Phone        | Mailing address                       |
| Chris Hepburn, Vice President<br>Newton Conservators  | john.hepburn@bc.edu   | 617-964-1137 | 132 Stanley R.<br>Newton, MA 02468    |
| Lalor (Larry) Burdick, Nahanton<br>Woods, Inc.  | l.burdick@comcast.net   | 617-969-0414 | 180 Dudley Road<br>Newton, MA 02459   |
| Michele Hanss, Friends of<br>Houghton Garden  | m.hanss@comcast.net   | 617-730-8122 | 207 Suffolk Road<br>Newton, MA 02467  |
| Jack Wittenberg   | jwittenberg@partners.org  | 617-969-2657 | 146 Allerton Road<br>Newton, MA 02461 |
| Fred Hochberg   | hochbergfred@gmail.com  | 617-678-8657 | 18 Clovelly Road<br>Newton, MA 02467  |
| Doug Dickson  | doug dickson17@gmail.com  | 617-969-8661 | 17 Oxford Road<br>Newton 02459        |
| Julia Malakie<br>Newton Tree Conservancy  | malakiephoto@aim.com  | 617-610-2509 | 50 Murray Rd<br>Newton, MA 02465      |

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   |   | "Webster Woods" Phase 1. Pre-acquisition          |                          |
|---|---|---|--------------------------|
| <b>SUMMARY CAPITAL/DEVELOPMENT BUDGET</b>   |   |   |                          |
| <b>Uses of Funds</b>  |   |   |                          |
| Professional services   |   |   | \$ 105,000               |
|   |   |   |                          |
|   |   |   |                          |
| <b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)   |   |   | <b>\$ 105,000</b>        |
| <b>Sources of Funds</b>   |   | <b>Status</b><br>(requested, expected, confirmed) |                          |
| CPA funds   |   |   | \$ 100,000               |
| City of Newton Legal Department funds   |   |   | \$5,000                  |
| <b>E. TOTAL SOURCES</b> (should equal C. on page 1 and D. above)  |   |   | <b>\$ 105,000</b>        |
| <b>SUMMARY ANNUAL OPERATIONS &amp; MAINTENANCE BUDGET</b> (cannot use CPA funds)                          |   |   |                          |
| <b>Uses of Funds</b>  |   |   |                          |
| Trails are well established, the only maintenance anticipated will be occasional clearing of fallen trees |   |   | \$2,000                  |
|   |   |   |                          |
| <b>F. TOTAL ANNUAL COST</b> (should equal G. below)   |   |   | <b>\$2,000</b>           |
| <b>Sources of Funds</b>   |   |   |                          |
| Newton Conservation Commission annual General Fund budget, Land Maintenance/Management Funds              |   |   | \$2,000                  |
|   |   |   |                          |
| <b>G. TOTAL ANNUAL FUNDING</b> (should equal F. above)  |   |   | <b>\$2,000</b>           |
| <b>Project TIMELINE</b>   | <b>Phase or Task</b>  |   | <b>Season &amp; Year</b> |
| <b>Phase 1. Pre-acquisition</b>   |   |   |                          |
|   | 1. Hire Lead Counsel  |   | retained                 |
|   | 2. Develop a strategy and timeline to preserve the wooded portion of the property |   | immediately              |
|   | 3. Begin execution of the strategy  |   | as soon as appropriate   |
| <b>Phase 2. Acquisition</b>   |   |   |                          |
|   | The Mayor would like to ensure protection by December 2019.                       |   | December 2019            |
|   |   |   |                          |
|   |   |   |                          |
|   |   |   |                          |

| Project TITLE  |   | <b>“Webster Woods” Phase 1. Pre-acquisition</b>  |  |
|--|---|--|--|
| ↓ Check off submitted attachments here.                              |   |  |  |
|  | ✓ | <b>COVER LETTER</b>  | From the Project Manager on behalf of the Conservation Commission  |
| <b>PROJECT FINANCES</b>  |   |  |  |
|  | ✓ | <b>project capital budget:</b> 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) |  |
|  | ✓ | <b>non-CPA funding:</b> commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions   |  |
| <b>SPONSOR FINANCES &amp; QUALIFICATIONS, INSTITUTIONAL SUPPORT</b>  |   |  |  |
|  | ✓ | <b>for sponsoring department, most recent annual operating budget</b> (revenue & expenses) & <b>financial statement</b> (assets & liabilities).  |  |
|  | ✓ | <b>for project manager: relevant training &amp; track record</b> of managing similar projects  |  |
|  | ✓ | <b>Webster Woods Mayor’s Advisory Panel</b> (charge, membership)   |  |
|  | ✓ | <b>CAPITAL IMPROVEMENT PLAN</b>  | current listing/ranking & risk factors for this project            |
| <b>SITE CONTROL, VALUE &amp; DEED RESTRICTIONS, PROPERTY HISTORY</b> |   |  |  |
|  | ✓ | <b>brief property history:</b> at least the last 30 years of ownership & use   |  |
|  | ✓ | <b>PHOTOS</b>  | of existing site or resource conditions (2-3 photos may be enough) |
|  | ✓ | <b>MAP</b>   | of site in relation to nearest major roads                         |
| <b>OPTIONAL, for full proposal.</b>                                  | ✓ | <b>LETTERS of SUPPORT</b>  | from Newton residents, organizations, or businesses                |

## **City of Newton Project Manager**

### **Jennifer Steel, Chief Environmental Planner**

Jennifer is the Chief Environmental Planner for the City and Agent of the Conservation Commission. Jennifer has worked in the field of municipal land management and land protection for over 20 years. With the full support of Newton's Executive Office, Law Department, and Planning Department, and in concert with the Executive Committee of the Mayor's Webster Woods Advisory Panel, Jennifer will oversee the process of protection.

## **Outside Counsel**

### Lead Counsel

Jeffrey Tocchio, Partner  
DT&M Attorneys at Law  
Hingham, MA

[http://www.dtm-law.com/attorneys\\_jtocchio.html](http://www.dtm-law.com/attorneys_jtocchio.html)

Expert in real estate development and eminent domain  
Suffolk University Law School, 1988

Team of experts, including an appraiser and other advisors, to be assembled and hired by lead counsel.

**300 Hammond Pond Parkway – Conservation Annual Budget FY19**

FUND: 01 - GENERAL FUND  
DEPARTMENT: 114 - PLANNING DEVELOPMENT

CITY OF NEWTON BUDGET  
DEPARTMENT LEGAL LEVEL OF CONTROL

|                           | ACTUAL<br>2016 | ACTUAL<br>2017 | AMENDED<br>2018 | YTD<br>4/12/2018 | RECOMMENDED<br>2019 | CHANGE<br>2018 to 2019 |
|---------------------------|----------------|----------------|-----------------|------------------|---------------------|------------------------|
| <b>CONSERVATION</b>       |                |                |                 |                  |                     |                        |
| 51 - PERSONAL SERVICES    | 63,977         | 65,635         | 119,853         | 76,011           | 129,494             | 9,641                  |
| 52 - EXPENSES             | 595            | 1,164          | 2,000           | 423              | 2,000               | 0                      |
| 58 - DEBT AND CAPITAL     | 92,462         | 57,026         | 25,000          | 0                | 25,000              | 0                      |
| 57 - FRINGE BENEFITS      | 938            | 1,030          | 11,117          | 1,172            | 2,104               | -9,013                 |
| <b>TOTAL CONSERVATION</b> | <b>157,972</b> | <b>124,856</b> | <b>157,970</b>  | <b>77,606</b>    | <b>158,598</b>      | <b>628</b>             |

|                                | ACTUAL<br>FY2016 | ACTUAL<br>FY2017 | AMENDED<br>2018 | YTD<br>4/12/2018 | RECOMMENDED<br>2019 | CHANGE<br>2018 to 2019 |
|--------------------------------|------------------|------------------|-----------------|------------------|---------------------|------------------------|
| <b>0111402 - CONSERVATION</b>  |                  |                  |                 |                  |                     |                        |
| <b>PERSONAL SERVICES</b>       |                  |                  |                 |                  |                     |                        |
| 511001 FULL TIME SALARIES      | 63,477           | 65,135           | 118,853         | 75,161           | 128,244             | 9,391                  |
| 514001 LONGEVITY               | 0                | 0                | 0               | 0                | 750                 | 750                    |
| 515005 BONUSES                 | 0                | 0                | 0               | 350              | 0                   | 0                      |
| 515102 CLEANING ALLOWANCE      | 500              | 500              | 1,000           | 500              | 500                 | -500                   |
| <b>TOTAL PERSONAL SERVICES</b> | <b>63,977</b>    | <b>65,635</b>    | <b>119,853</b>  | <b>76,011</b>    | <b>129,494</b>      | <b>9,641</b>           |
| <b>EXPENSES</b>                |                  |                  |                 |                  |                     |                        |
| 5341 POSTAGE                   | 447              | 936              | 1,000           | 93               | 1,000               | 0                      |
| 5342 PRINTING                  | 0                | 83               | 100             | 0                | 100                 | 0                      |
| 5420 OFFICE SUPPLIES           | 0                | 145              | 200             | 195              | 200                 | 0                      |
| 5730 DUES & SUBSCRIPTIONS      | 148              | 0                | 700             | 135              | 700                 | 0                      |
| <b>TOTAL EXPENSES</b>          | <b>595</b>       | <b>1,164</b>     | <b>2,000</b>    | <b>423</b>       | <b>2,000</b>        | <b>0</b>               |

## Webster Woods Advisory Panel

March 2018

Mayor Ruthanne Fuller strongly supports preserving Webster Woods, the largest contiguous parcel of undeveloped, open space in Newton. In March 2018 Mayor Fuller announced the members of the newly formed Webster Woods Advisory Panel, which will review and recommend options to her for the protection of this important natural resource.

- **Lisle Baker:** Ward City Councilor from Ward 7 and a Professor of Law at Suffolk University.
- **Peter Barrer:** Chair of Newton’s Design Review Committee. President of the Board of Directors of the Newton Community Farm.
- **Dan Brody:** Director and Website Manager for the Newton Conservators. Wrote the Webster Woods trail descriptions published in the Appalachian Mountain Club's Massachusetts Trail Guide, 10th edition.
- **Kathy Cade:** Associate member of the Newton Conservation Commission. Retired investment banker, vice-chair of the board of trustees of the Carter Center in Atlanta.
- **Suzanne Carleo:** Comptroller of the Charles River Watershed Association.
- **Jeff Goldman:** Abutter and Land Steward for Webster Woods for the City’s Conservation Department.
- **Barney Heath:** Director of Planning and Development for the City of Newton.
- **Ken Kimmel:** Co-chair of the Friends of Webster Woods and the President of the Union of Concerned Scientists. Former Commissioner of the MassDEP and the director of a law firm specializing in environmental, energy, and land-use issues.
- **Eric Olson:** Ecologist at Brandeis University. For many years, a leader of walks to the Bare Vernal Pool in Webster Woods.
- **Richard Primack:** Professor of Biology at Boston University and the director of a lab that studies how climate change affects the environment. Writer about and researcher of Webster Woods.
- **Stephen Small:** Nationally known land-protection lawyer. Author of “The Business of Open Space: What’s Next?”
- **Jennifer Steel:** Chief Environmental Planner for the City of Newton and, in that role, works with the Conservation Commission.
- **Ira Wallach:** Chair of the Newton Conservation Commission. Recently retired Associate Chief Legal Counsel Massachusetts Port Authority.
- **Beth Wilkinson, Chair:** President of the Board of Directors of the Newton Conservators and a member of the Newton Urban Tree Commission.
- **Jonathan Yeo:** Chief Operating Officer of the City of Newton. Formerly, Director of Water Supply Protection for the Massachusetts Department of Conservation and Recreation.
- **Ouida Young:** City Solicitor for the City of Newton.

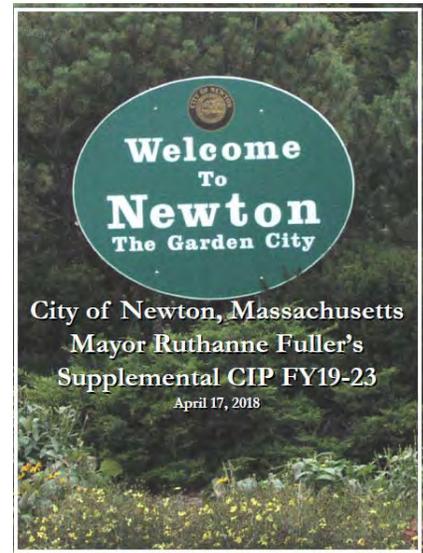
The members of the Advisory Panel were chosen for the knowledge and expertise they will bring to the process of protecting the Woods.

“We had so many more excellent people come forward to serve on this panel than seats available. I encourage all of them, and everyone interested in preserving this important parcel of woods to stay involved and work with the Advisory Panel,” Mayor Fuller said.

### City Website Link

[http://www.newtonma.gov/gov/planning/current/devrev/hip/webster\\_woods\\_300\\_hammond\\_pond\\_parkway.asp](http://www.newtonma.gov/gov/planning/current/devrev/hip/webster_woods_300_hammond_pond_parkway.asp)

**300 Hammond Pond Parkway –  
Capital Improvement Plan FY19-23**



**Supplemental CIP by Funding Source (CPA) FY 2019-2023**

| Priority | Dept                                  | Asset Category | Project Title | Project Description / Justification  | Est Cost in FY2018 | Funding Source |
|----------|---------------------------------------|----------------|---------------|--------------------------------------|--------------------|----------------|
| 52       | Planning<br>(Conservation Commission) | Parkland       | Webster Woods | Implementation of Webster Woods Plan | Unknown            | CPA Eligible   |

| Priority | Project Title | Overall Condition 0: Worse to 10: Best | % Life Left 0: Expired to 100: New | City Operations | Programs / Services | Costs/ Savings Ratio | Codes/ Health & Safety |
|----------|---------------|--|------------------------------------|-----------------|---------------------|----------------------|------------------------|
| 52       | Webster Woods | 2                                      | 0%                                 | 6               | 6                   | 2                    | 9                      |

| Priority | Project Title | Property Damage | Quality of Life | Energy | Dept. Mission or Vision | % Life Left | Condition Likelihood Failure | % Life Left Likelihood failure |
|----------|---------------|-----------------|-----------------|--------|-------------------------|-------------|------------------------------|--------------------------------|
| 52       | Webster Woods | 7               | 9               | 0      | 8                       | 30%         | 0.80                         | 0.70                           |

### 300 Hammond Pond Parkway – Site History

300 Hammond Pond Parkway was part of a much larger parcel donated by Newton’s Webster family to the Metropolitan District Commission (MDC) in 1916 as public open space. The MDC sold the portion of this land that is now identified as 300 Hammond Pond Parkway to Congregation Mishkan Tefila in 1954, subject to a 99-year restriction of the site’s uses to “educational or religious purposes and for non-profit recreational activities in connection therewith.” Congregation Mishkan Tefila subsequently sold its parcel to Boston College in 2015.

For decades, residents from all parts of Newton have walked the trails and other parts of the wooded portion of 300 Hammond Pond Parkway.

The parcel, zoned SR-1, currently has the former buildings and parking lots of Congregation Mishkan Tefila. The existing restriction expires in 2053, but most of the land, including the wooded parcel, could be developed now by Boston College for use as dorms, classroom or office buildings, or parking lots.

In 2015, Newton’s Conservation Commission and Board of Aldermen both expressed to the Mayor and Newton’s Community Preservation Committee their strong support for preserving the land’s open space character. The Board of Aldermen unanimously adopted a resolution asking the Mayor to “work to preserve the recreation and conservation character of 300 Hammond Pond Parkway.”

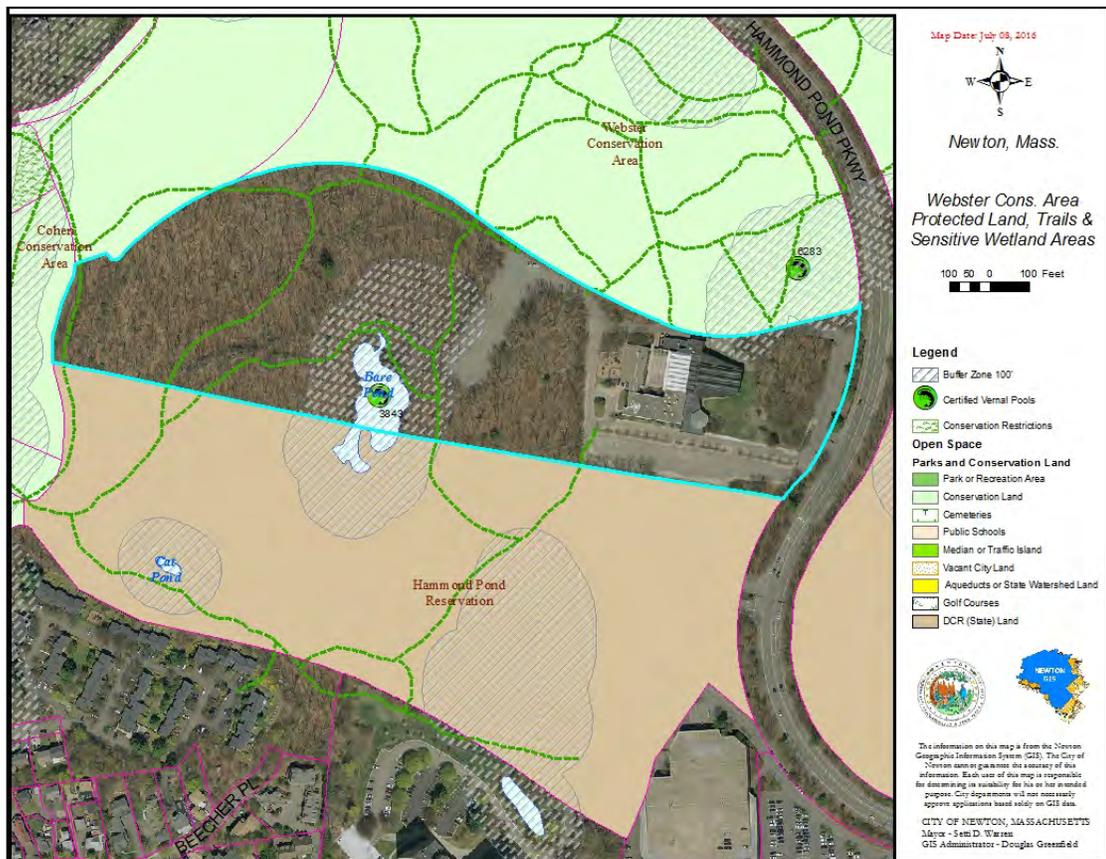
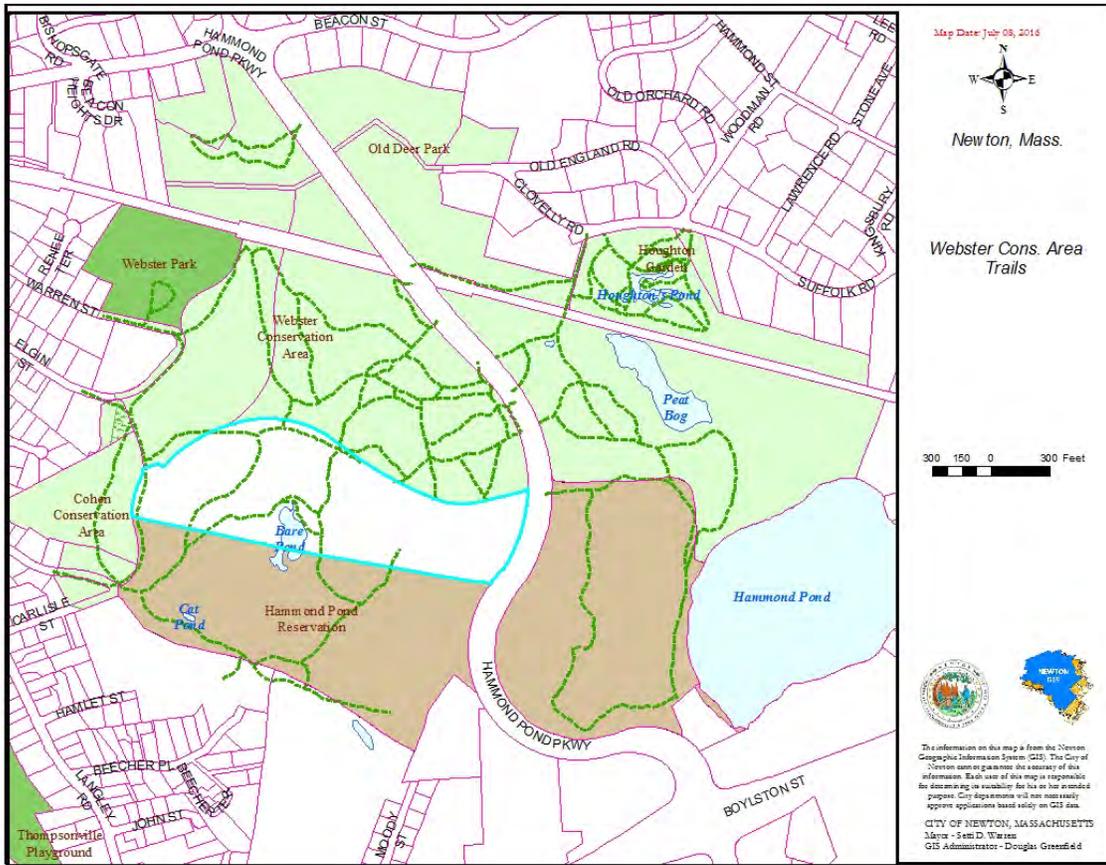
In 2017 the City commissioned an appraisal of 300 Hammond Pond Parkway by Avery Associates.

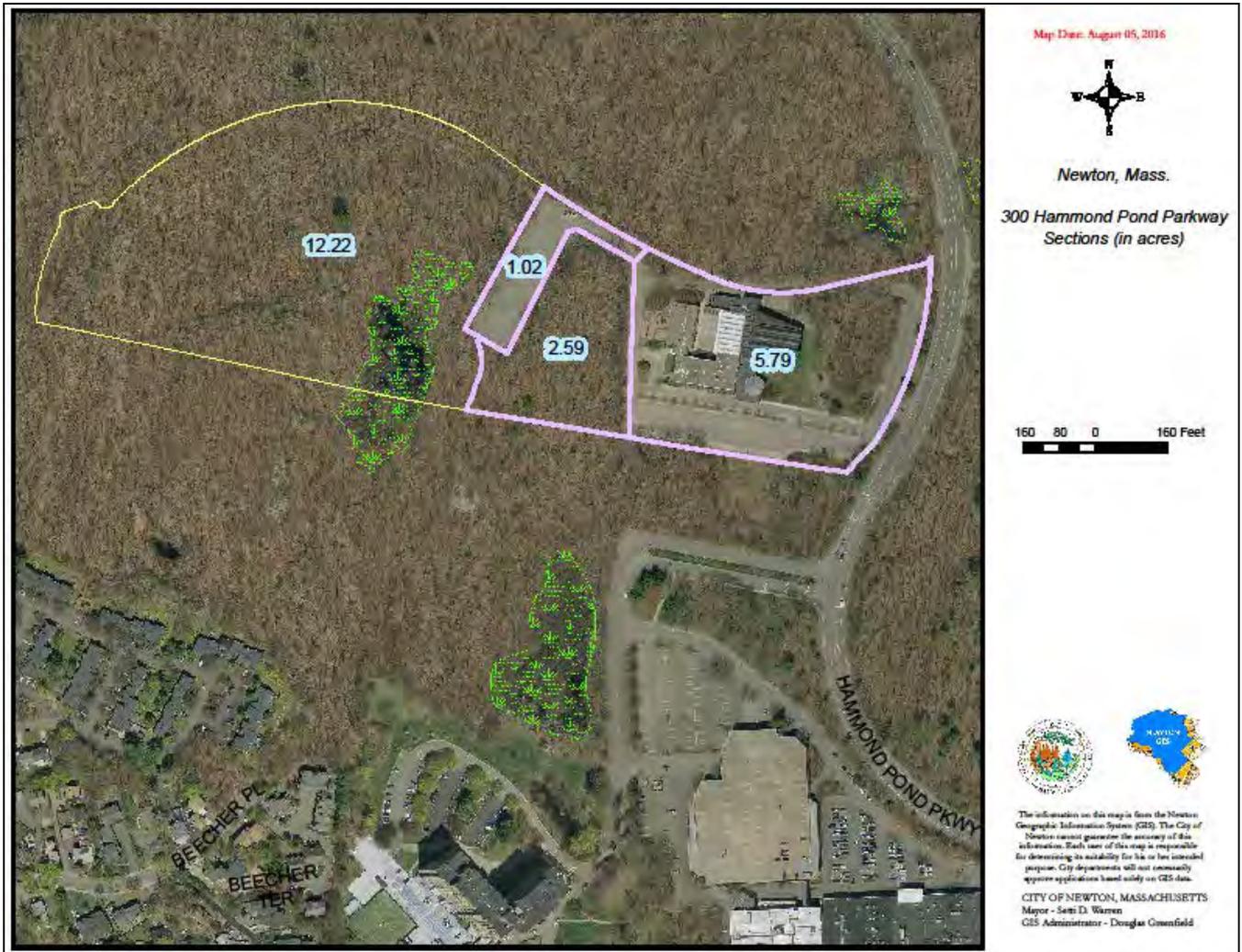
### **Additional supporting information not included with this proposal but available from the Newton CPC’s project webpage,**

[www.newtonma.gov/gov/planning/cpa/projects/webster.asp#webster#webster:](http://www.newtonma.gov/gov/planning/cpa/projects/webster.asp#webster#webster)

- 1650s-1970s Webster & Cohen conservation areas land use & ownership timeline
- 1874-1953 maps of Hammond Pond Parkway area, including 1917 map showing land owned at that time by the Metropolitan District Commission
- 1954 sale of land by MDC to Congregation Mishkan Tefila (deed, restriction, etc.)
- October-November 2015 - support for open space preservation at 300 Hammond Pond Parkway:
  - Newton Conservation Commission letters to Mayor, Board of Aldermen, CPC
  - Newton Board of Aldermen resolution 195-15(2)
- 2016 sale of 300 Hammond Pond Parkway to Boston College (deed)
- 2017 appraisal of 300 Hammond Pond Parkway for the City of Newton
- 2018 Mayor’s Advisory Panel for 300 Hammond Pond Parkway

Site Maps and Photographs







## Statements of Support for the Preservation of Webster Woods



July 4, 2017

Dear Newton Mayoral Candidates:

We are Newton residents who care deeply about Webster Woods, the largest contiguous parcel of open space in Newton. As you may know, most of Webster Woods is owned by the City of Newton and the state Department of Conservation and Recreation. Fortunately, these portions are permanently protected.

However, in the middle of these two protected, publicly owned portions is a twenty-two acre area of wooded open space now owned by Boston College. This privately owned area is an integral part of the woods, with numerous hiking trails running through it that are used regularly by many visitors and that connect to the publicly owned areas to the north and south. This area also contains a vernal pool, a rare resource in Newton, which functions as a breeding pond for tadpoles and salamanders.

Webster Woods is an open space gem. For many years, it has offered Newton residents and many others abundant recreational opportunities, such as hiking, jogging, cross-country skiing, and even cave-visiting. It also has high scientific value. As detailed by biologist Richard Primack, these woods have been used by nearby universities for studies of the biology of pink lady's slipper orchids, wildflower restoration programs, and the effects of climate change.

Given that the privately-owned area is right in the middle of these woods, any development of it would inevitably and seriously degrade the publicly owned open space on both sides and would undermine the public investment that has been made in this open space.

Due to the unique value of these woods, and the threat posed by the potential for future development by a private owner (especially after the expiration of the current restriction on all development that is not educational or religious), the Newton City Council, the Newton Conservators, and the Newton Conservation Commission have all strongly supported the City taking action to permanently protect the portion of the woods owned

by Boston College. And neighbors of these woods have pledged to contribute very significantly to the costs of such protection.

We ask that as a candidate for Mayor, you make the following commitment:

1. You state that it is a top priority of yours that the City permanently protect this area.
2. You form a citizen's advisory group to assist in this effort, and meet with the group on a quarterly basis.
3. Within two years from taking office, you negotiate an agreement with Boston College that includes permanent protection of at least the wooded area.
4. Within two and a half years from taking office, you submit necessary approvals to the Community Preservation Act Committee and the City Council to finalize and implement the agreement with Boston College.
5. If despite your best efforts you are unable to forge an agreement with Boston College, you fully support a taking by eminent domain that ensures no development of this area and continued public use of it.

We appreciate your consideration of this vital open space protection opportunity. Please confirm in writing your agreement with this request. We would appreciate a response within thirty days, and are happy to discuss this further with you if you would like.

Signed,

AnnaMaria Abernathy  
 Anna A. Allen  
 Rory J. Altman  
 Joan Balaban  
 Peter Barrer  
 Adrian Bradley  
 John Chadis  
 Sandy Chadis  
 Annie Cole  
 Josh Coval  
 Doug Dickson  
 Judith Di Leo

Bev Droz  
 Kat Eutsler  
 Deena Freed  
 Joshua Freed  
 Lynne Friedlander  
 Steve Garfinkle  
 Jeff Goldman  
 J. Christopher Hepburn  
 Katherine Howard  
 David Hruska  
 Kenneth Kimmell  
 Rebecca Kornblatt

Daniel Krasa  
 Jonathan Landman  
 Rebecca M. Mayne  
 Tatjana Meschede  
 Steven Miller  
 Lucy Ogburn  
 Willard Ogburn  
 Gordon M. Orloff  
 Carol Sklar  
 Phil Stern  
 Susan Stern  
 Beth Wilkinson



Setti D. Warren  
Mayor

**CITY OF NEWTON, MASSACHUSETTS**  
Department of Planning and Development

Telephone  
(617)-796-1120  
Telefax  
(617) 796-1086  
TDD/TTY  
(617) 796-1089

**Members**

Dan Green  
Judy Hepburn  
Susan Lunin  
Barbara Newman  
Norm Richardson  
Jane Sender  
Ira Wallach, Chair  
Jeff Zabel (Alt.)

**Conservation Commission**

1000 Commonwealth Avenue  
Newton, Massachusetts 02459  
(617) 796-1134

2 October 2015

Mayor Setti Warren  
1000 Commonwealth Ave.  
Newton, MA 02459

Board of Aldermen  
1000 Commonwealth Ave.  
Newton, MA 02459

October 2, 2015

Dear Mayor Warren and Board of Aldermen,

I write as Chair and on behalf of the City of Newton Conservation Commission.

The Commission understands that, as part of a larger transaction, an approximately-13-acre wooded area located off Hammond Pond Parkway, and contiguous with protected City of Newton-owned and state-owned conservation land, is in the process of being sold. Acknowledging that the contemplated transaction is one between private parties and wishing not to interfere with that private transaction, the Newton Conservation Commission encourages and would fully support a City effort to ensure the long-term protection of the contiguous wooded portion of this parcel, for its irreplaceable conservation, ecological and environmental qualities.

This wooded area may be the largest, privately-owned open-space land area remaining in the City of Newton. This private wooded area, joined with the adjacent Department of Conservation and Recreation Hammond Pond Reservation and Newton's Webster Conservation Area, would constitute the largest contiguous piece of protected open space in Newton. It comprises approximately 13 acres of mature hardwood forest with very few invasive species. It provides a tremendous diversity of ecological niches and wildlife habitats, including a large wetland in the interior of the parcel that is a Certified Vernal Pool, recognized by state environmental authorities (and the Commission) as an extremely valuable natural resource. In addition, the wooded area is home to hiking trails that have historically been heavily utilized by the public and which connect to the many miles of trails on the adjacent Department of the Conservation and Recreation and Newton's Conservation land.

The Conservation Commission sees this as an opportunity and an obligation to prevent a virtually irretrievable ecological disappointment, and by this letter expresses its support for the protection of the ecological and recreational qualities of this wooded area. It is an opportunity that should not be squandered and an obligation that should be met. The public interest that would be served by its preservation is manifest. Accordingly, the Commission recommends that the City make every reasonable and practicable effort to protect the ecological and conservation value of this land and create an enduring legacy. The Commission is prepared to participate in efforts to achieve that goal, as well as to assume the stewardship of the results of that effort.

The Commission looks forward to the opportunity to contribute to the dialogue it hopes and expects will take place in the very near future on this important and possibly time-sensitive subject.

Sincerely,

Ira Wallach, Chairman  
Newton Conservation Commission



Setti D. Warren  
Mayor

# CITY OF NEWTON, MASSACHUSETTS

## Department of Planning and Development

#509-18

Telephone  
(617)-796-1120

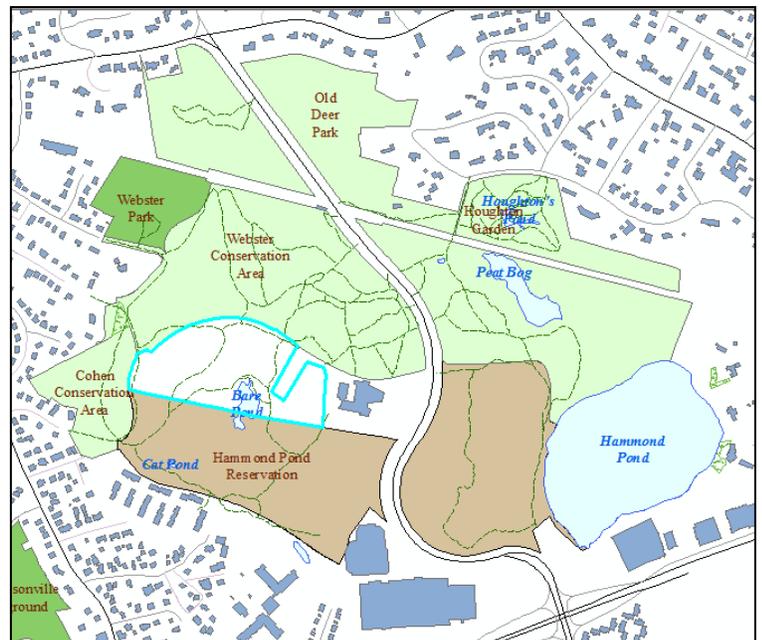
Telefax  
(617) 796-1086

TDD/TTY  
(617) 796-1089

To: Newton Community Preservation Committee  
From: Newton Conservation Commission  
Re: Protection of wooded portion of 300 Hammond Pond Parkway  
Date: November 10, 2015

The Commission understands that the parcel of land at 300 Hammond Pond Parkway is in the process of being sold, although the timing of that sale has not been made public by either party to it. For that reason, and as a follow-up to the Conservation Commission's October 2, 2015, letter to the Mayor and the Board of Aldermen regarding the preservation of the open space at 300 Hammond Pond Parkway (letter attached), the Conservation Commission would like to meet with the Community Preservation Committee at its earliest convenience.

Aware of the September 23, 2015, and October 5, 2015 resolutions by the Board of Alderman with regard to 300 Hammond Pond Parkway, at its most recent public meeting, the Commission discussed its potential role in any effort the City might undertake to preserve the undeveloped portion of that property as open space. One of the preliminary steps the Commission is considering is applying to the Community Preservation Committee for funds for any appraisal and/or other consulting services that may be necessary or desirable to further the public interest in the permanent protection of the undeveloped portion of 300 Hammond Pond Parkway, should the City choose to do so. While it is not yet certain that funding for that purpose will be necessary, or whether any subsequent protection efforts, would require further CPA funding, the Commission thought it best to inform CPC of the Commission's potential request(s) as early as practicable, to enable the CPC to integrate any such funding into its planning, should it choose to do so.



The wooded portion of the land to be sold is the largest piece of entirely undeveloped private land in all of Newton. Together with the adjacent Department of Conservation and Recreation's parcel and Newton's Webster Conservation Area, these parcels constitute the largest contiguous area of natural open space in Newton. This is, therefore, an unusual and significant opportunity for meaningful preservation of open space.

### Municipal Chronology

- Newton Conservation Commission's 10/2/15 letter to Mayor and Newton Board of Aldermen (attached)
- Newton Board of Aldermen docket item #195-15(3) "requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land. [10/23/15 @ 2:55 PM]"
- This informal letter of interest from the Conservation Commission

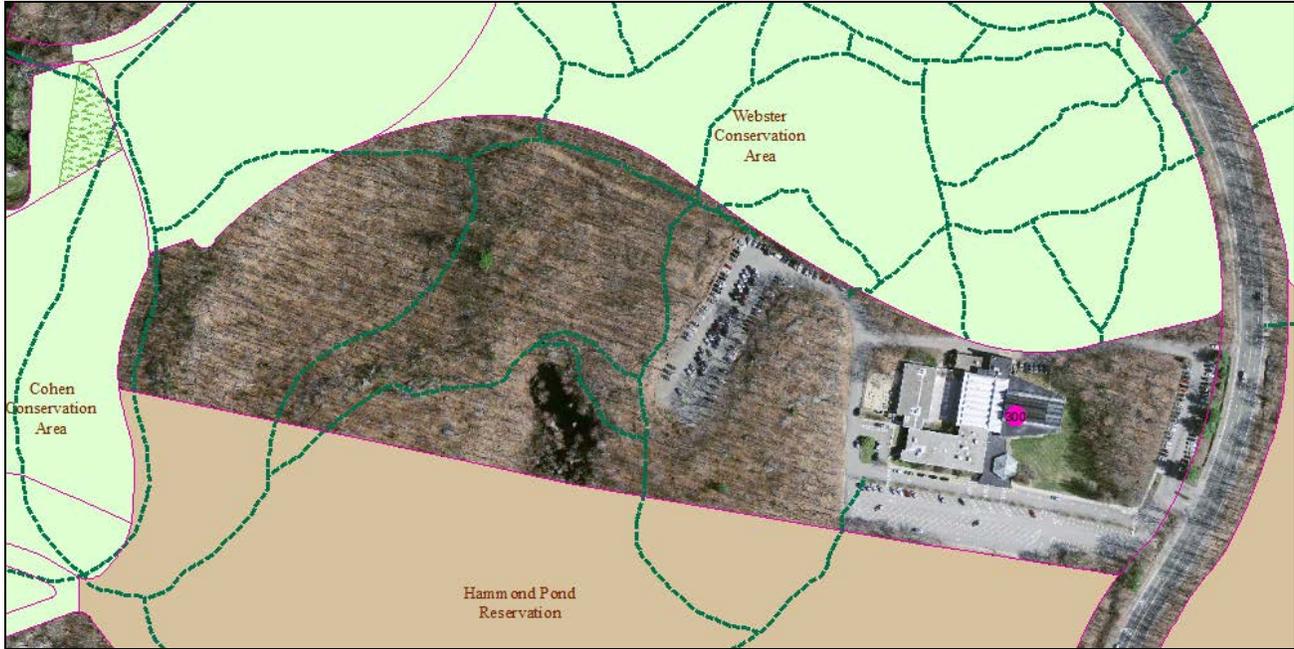
We look forward to working with the Community Preservation Committee to achieve the City's goals to preserve the conservation and environmental and open-space value of this undeveloped land for the benefit of the current and future residents of the City.

### **Conservation Commission**

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Email: [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)

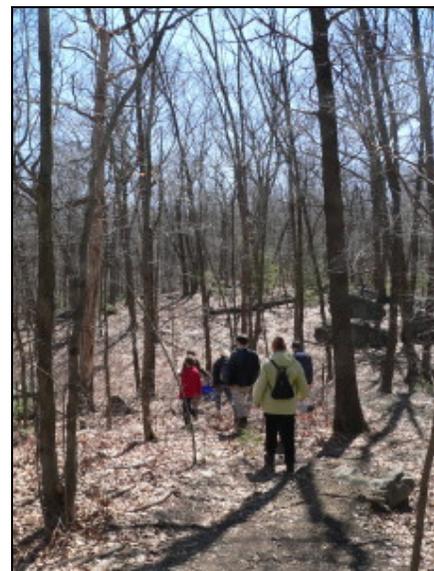
Aerial view of 300 Hammond Pond Parkway with adjacent public open space and trails



Scenes of 300 Hammond Pond Parkway



Vernal Pool



Popular wooded trails

CITY OF NEWTON  
IN BOARD OF ALDERMEN

October 5, 2015

BE IT RESOLVED:

That the Board of Aldermen respectfully requests that His Honor the Mayor work to preserve the recreation and conservation character of 300 Hammond Pond Parkway, Chestnut Hill.

Under Suspension of Rules  
Readings Waived and Adopted  
24 yeas - 0 nays



(SGD) DAVID A. OLSON  
City Clerk



September 10, 2015

Mayor Setti Warren  
Members of the Board of Aldermen  
City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

**Officers**

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George Mansfield, Vice President  
AnnaMaria Abernathy, Secretary  
Katherine Howard, Treasurer  
Beth Schroeder, Past President

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Henry Finch  
Robert Fizek  
Maurice Gilmore  
Daniel Green  
William Hagar  
Chris Hepburn  
Ted Kuklinski  
Jane Sender  
Larry Smith  
Willis Wang

**Advisors**

Lisle Baker  
Rodney Barker  
John Bliss  
Octo Barnett  
Lee Breckenridge  
Lucy Caldwell-Stair  
Michael Collora  
Modestino Criscitiello  
Douglas Dickson  
Ann Dorfman  
Bart Hague  
Judith Hepburn  
Duane Hillis  
Peter Kastner  
Alison Leary  
William Leitch  
Don Lubin  
Eric Olson  
Anne Pearson  
Richard Primack  
Eric Reenstierna  
Jon Regosin  
Patricia Robinson  
William Shaevel  
Verne Vance  
Brian Yates

Dear Mayor Warren and Members of the Board of Aldermen,

The members of the Board of Directors of the Newton Conservators are concerned that the potential sale of the open space behind Temple Mishkan Tefila will endanger a beautiful 28-acre parcel that has great environmental value. The temple has been a good custodian of the land, and we want to see that care continue. We request that you act to protect that land from development and to preserve it for the citizens of Newton.

The Mishkan Tefila land has environmental features that should be saved: it contains a vernal pool that is home to tadpoles and breeding salamanders in the spring and also notable sandstone ledges and outcroppings of Roxbury puddingstone. Except for the front third of the land that contains the temple buildings and parking lots that are adjacent to the temple, it is wild, open area.

The Mishkan Tefila land is surrounded by conservation areas. Not only is it adjacent to those public spaces, but also it is functionally integral with them. As climate change begins to have greater effects on our environment, having this kind of connection between our conservation areas will become more important, allowing stressed plants and other wildlife to migrate to more hospitable areas in which they will be more likely to survive.

In 1916, Edwin Webster gave this parcel of land to the State. In 1954, the State sold it to Mishkan Tefila for \$1, with the proviso that the land be used for only educational or religious purposes for ninety-nine years. That proviso will be in effect for the next thirty-seven years, but it does not protect the land from development.

The actual vernal pond and the one hundred feet surrounding it have the standard wetlands protection offered by the Conservation Commission, but there is no protection for the rest of the property. A cluster of buildings or parking lots could be constructed around the pond and could cover the rest of the land.

We strongly encourage the City of Newton to take action to protect this unique and irreplaceable tract of land. The following scenarios are possibilities:

- **Buy the entire site outright** from the current owner, Mishkan Tefila, with money obtained through the Community Preservation Act or other public funds.

- **Buy only the open-space part of the site and the western parking lot**, leaving the already-developed area to be used for religious or educational purposes, as mandated by the state regulations.
- **Advocate for a conservation restriction and a public-access easement on all of the undeveloped land as well as on the western parking lot** (which is surrounded by undeveloped land). This would leave the currently built-up land and the adjacent parking lots for the owner to use.

For decades, our members and other Newton residents have enjoyed hiking through the woods of the Mishkan Tefila land. Long-time member Octo Barnett is an ardent admirer of the land and wrote that he sees history written in its stones. More recently, Boston University Professor Richard Primack told the attendees at our 2015 annual meeting that he learned how to be a biologist by exploring those same woods. Brandeis University sustainable biologist Dr. Eric Olson leads annual Newton Conservators' walks to find the salamanders in the vernal pond. With Dr. Olson's instruction, the land serves as an important tool to teach children and adults about nature.

It is our concern that if the City does not take action to protect this land now, its treasures might not exist for the citizens of Newton in future decades. Please help us to preserve this very important open space

Sincerely,

Beth Wilkinson, President

On behalf of the Board of Directors  
of the Newton Conservators



#509-18

July 26, 2017

Dear Newton Mayoral Candidates,

The mission of the Newton Conservators is to promote “the protection and preservation of natural areas . . . for the enjoyment and benefit of the people of Newton for scientific study, education, and recreation.”

**Officers**

Beth Wilkinson, President  
Chris Hepburn, Vice President  
AnnaMaria Abernathy, Secretary  
Katherine Howard, Treasurer

**Board of Directors**

David Backer  
Dan Brody  
Mat Calabro  
Bonnie Carter  
Michael Clarke  
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Brooks Mathewson  
Eric Olson  
Anne Pearson  
Richard Primack  
Eric Reenstierna  
Jon Regosin  
Patricia Robinson  
Jane Sender  
William Shaevel  
Verne Vance  
Willis Wang  
Brian Yates

The middle section of the Webster Woods, currently owned by Boston College, serves all of these purposes. University professors like Richard Primack have done research in the woods; our walk leaders such as Eric Olson have taken students and other residents of Newton into Webster Woods to learn about the plants and animals of the woods; and many of Newton’s citizens love to walk the paths through the woods. There are few other areas of the city where one can feel as much in a forest as here.

For almost two years, the Newton Conservators has worked with the Friends of Webster Woods to preserve this land. The Board of the Newton Conservators fully supports the letter sent to you by the Friends of Webster Woods on July 4. We hope that you will commit to the actions it proposes.

In addition, we would like to clarify our thoughts about what preserving “at least the wooded area” should include.

We believe that the city should take the following steps:

- Acquire outright, or through conservation restriction, the following areas of the Boston College property:

- (1) The wooded area west of the rear parking lot (i.e. the large wooded parcel that contains the Bare Pond vernal pool),
- (2) The rear MASCO parking lot that adjoins Bare Pond, and
- (3) The wooded area between that rear parking lot and the pavement adjacent to the western side of the temple building.

- Restore the rear (west-most) parking lot and its driveway to a natural condition. We believe that the extremely close proximity of this parking lot to Bare Pond threatens the vernal pool itself.

- Grant to the Newton Conservators or another organization a permanent conservation restriction on all city-owned land comprising Webster Woods.

- If the above land is not acquired by the city but is protected by a conservation easement granted by Boston College, arrange that Newton Conservators or another organization hold that conservation restriction.

We believe that including these areas in the acquisition and protection will best preserve Webster Woods, rectify an environmental error made when that parking lot was built, protect the vernal pool, and enhance the overall open space, without detracting from the development potential of the area around the building.

Furthermore, we hope that you will give consideration to removing and restoring the small parking lot immediately adjacent to Hammond Pond Parkway, and to replacing

Newton Conservators, Inc. • PO Box 590011 • Newton Centre • MA

02459 • [www.newtonconservators.org](http://www.newtonconservators.org)

the hazardous driveway access to the site with safer access via the signalized intersection and driveway that now serves the Towers of Chestnut Hill and the Shops at Chestnut Hill. While this would involve coordination with DCR, it is likely that all parties could agree to make this important safety improvement.

We request that you respond to this further clarification of the specific area of the property we think should be preserved.

We will publish the responses from all mayoral candidates on our website as we receive them. On August 21, we will send a message containing the responses (up to 1000 words per candidate) to all of our members.

Please don't hesitate to contact us if you have any questions—either at the PO box on this letter or at [President@NewtonConservators.org](mailto:President@NewtonConservators.org).

All the best,

Beth Wilkinson, President

On behalf of the Newton Conservators Board

Department of Biology  
Boston University  
5 Cummington Street  
Boston, MA 02215, USA

September 9, 2015



Dear Newton Conservators,

I strongly urge you to take action to preserve the woods area currently owned by Temple Mishkan Tefila. These woods are bordered on three sides by conservation land. At present, these separate parcels of land represent one large block that protects the diversity of species living in the woods and creates a wonderful recreational experience in the middle of a densely settled suburban landscape.

This forest area is especially noteworthy for the protection of spotted salamanders, which breed in Bare Pond and elsewhere in the woods, as well as pink lady slipper orchids and other wildflowers. The woods also has many other noteworthy examples of plant species, forests, land use patterns, and geology. Classes from Boston University, Boston College, and other educational institutions use these woods for class field trips and observations.

If the Temple land were to be developed in some way, this would leave the remaining parcels of land isolated from each other. The result would be a forest that is not as pleasant to walk in, with building and roads constantly visible. It is likely that many forest species of both plants and animals, including the spotted salamanders, would decline in abundance or even die out if the woods were fragmented into smaller pieces by development, leading to lower moisture levels, higher light levels, and more human disturbance.

On a personal note, these woods, which are close to my home of 60 years, had a tremendous influence on me during my childhood (and that of my brother Mark and friends), my university studies, and the growing up of my own children. These woods provided and still provide, a nearby opportunity for children to experience the wonder and excitement of being in nature, with no buildings and roads in sight. In these woods I learned the skills of navigating across a forest landscape that I later used in my career as a plant ecologist at sites around the world. My brother Mark became one of the leading land trust managers in Massachusetts. Also, these woods are where I learned to identify plants and to carry out detailed observations of plant ecology and conservation and where I taught these same skills to many classes of students and neighborhood children. A large number of insights that I developed from these woods have also been incorporated into my scientific articles and my textbooks in conservation biology that are used across the United States and around the world.

If these woods are fragmented and damaged by the development of the Temple land, the value of these woods for the protection and enjoyment of nature will be

diminished for Newton citizens of this and future generations. I urge you to take action to protect these woods.

Sincerely,

Richard Primack  
Professor of Biology  
primack@bu.edu  
1-617-353-2454



July 4, 2017

Dear Newton Mayoral Candidates:

We are Newton residents who care deeply about Webster Woods, the largest contiguous parcel of open space in Newton. As you may know, most of Webster Woods is owned by the City of Newton and the state Department of Conservation and Recreation. Fortunately, these portions are permanently protected.

However, in the middle of these two protected, publicly owned portions is a twenty-two acre area of wooded open space now owned by Boston College. This privately owned area is an integral part of the woods, with numerous hiking trails running through it that are used regularly by many visitors and that connect to the publicly owned areas to the north and south. This area also contains a vernal pool, a rare resource in Newton, which functions as a breeding pond for tadpoles and salamanders.

Webster Woods is an open space gem. For many years, it has offered Newton residents and many others abundant recreational opportunities, such as hiking, jogging, cross-country skiing, and even cave-visiting. It also has high scientific value. As detailed by biologist Richard Primack, these woods have been used by nearby universities for studies of the biology of pink lady's slipper orchids, wildflower restoration programs, and the effects of climate change.

Given that the privately-owned area is right in the middle of these woods, any development of it would inevitably and seriously degrade the publicly owned open space on both sides and would undermine the public investment that has been made in this open space.

Due to the unique value of these woods, and the threat posed by the potential for future development by a private owner (especially after the expiration of the current restriction on all development that is not educational or religious), the Newton City Council, the Newton Conservators, and the Newton Conservation Commission have all strongly supported the City taking action to permanently protect the portion of the woods owned

by Boston College. And neighbors of these woods have pledged to contribute very significantly to the costs of such protection.

We ask that as a candidate for Mayor, you make the following commitment:

1. You state that it is a top priority of yours that the City permanently protect this area.
2. You form a citizen's advisory group to assist in this effort, and meet with the group on a quarterly basis.
3. Within two years from taking office, you negotiate an agreement with Boston College that includes permanent protection of at least the wooded area.
4. Within two and a half years from taking office, you submit necessary approvals to the Community Preservation Act Committee and the City Council to finalize and implement the agreement with Boston College.
5. If despite your best efforts you are unable to forge an agreement with Boston College, you fully support a taking by eminent domain that ensures no development of this area and continued public use of it.

We appreciate your consideration of this vital open space protection opportunity. Please confirm in writing your agreement with this request. We would appreciate a response within thirty days, and are happy to discuss this further with you if you would like.

Signed,

AnnaMaria Abernathy  
Anna A. Allen  
Rory J. Altman  
Joan Balaban  
Peter Barrer  
Adrian Bradley  
John Chadis  
Sandy Chadis  
Annie Cole  
Josh Coval  
Doug Dickson  
Judith Di Leo

Bev Droz  
Kat Eutsler  
Deena Freed  
Joshua Freed  
Lynne Friedlander  
Steve Garfinkle  
Jeff Goldman  
J. Christopher Hepburn  
Katherine Howard  
David Hruska  
Kenneth Kimmell  
Rebecca Kornblatt

Daniel Krasa  
Jonathan Landman  
Rebecca M. Mayne  
Tatjana Meschede  
Steven Miller  
Lucy Ogburn  
Willard Ogburn  
Gordon M. Orloff  
Carol Sklar  
Phil Stern  
Susan Stern  
Beth Wilkinson

#509-18

received by CPC staff 7 September 2018

Webster Woods Advisory Panel  
c/o Law Department, Newton City Hall  
1000 Commonwealth Ave.  
Newton, MA 02459

September 5, 2018

Newton Community Preservation Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Dear Members of the CPC,

We, the undersigned members of the Webster Woods Advisory Panel, are writing to inform you of our strong support of the "Phase 1. Pre-Acquisition Proposal for 'Webster Woods,'" for which you are holding a hearing on Thursday, September 13.

We believe that the preservation of the wooded portion of the land (potentially with an appropriate buffer as well) at 300 Hammond Pond Parkway is critical for its ecological value and public access. It is the largest privately owned wooded property in Newton. When joined with the adjacent Department of Conservation and Recreation Hammond Pond Reservation and Newton's Webster Conservation Area, it is the core of the largest contiguous piece of open space in Newton. We believe that we must seize this opportunity to ensure that the property is protected from development.

The Newton City Council also recognized the importance of this property in its unanimous 2015 Resolution requesting the Mayor "to work to preserve the recreation and conservation character of 300 Hammond Pond Parkway."

We urge you to approve the proposal for legal counsel and other experts that would help to develop the protection strategy.

With thanks,

Members of the Webster Woods Advisory Panel

Lisle Baker  
Peter Barrer  
Dan Brody  
Kathy Cade  
Suzanne Carleo  
Jeffrey Goldman  
Barney Heath  
Ken Kimmel

Eric Olson  
Richard Primack  
Stephen Small  
Jennifer Steel  
Ira Wallach  
Beth Wilkinson  
Jonathan Yeo

webpage:

[www.newtonma.gov/gov/planning/cpa/projects/webster.asp](http://www.newtonma.gov/gov/planning/cpa/projects/webster.asp)

Newton, Massachusetts CPA program project webpage - selected **bold, green text** links to full-text documents

## Webster & Cohen Conservation Areas

### projects:

- [Elgin Street Conservation Land](#)
- **300 Hammond Pond Parkway (Rear) / Webster Woods**

### contacts:

- Newton Conservation Commission  
c/o Jennifer Steel, Chief Environmental Planner  
Dept. of Planning & Development  
City Hall, 1000 Commonwealth Avenue  
Newton Centre, MA 02459  
phone: 617.796.1134  
email: [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)  
website: [www.newtonma.gov/gov/planning/conserv/](http://www.newtonma.gov/gov/planning/conserv/)
- (for 300 Hammond Pond Parkway project)  
Mayor's Advisory Panel  
c/o Beth Wilkinson, Chair  
phone: 617.966.7491  
email: [bethwilkinson@mac.com](mailto:bethwilkinson@mac.com)  
website: [www.newtonma.gov/gov/planning/current/devrev/hip/webster\\_woods\\_300\\_hammond\\_pond\\_parkway.asp](http://www.newtonma.gov/gov/planning/current/devrev/hip/webster_woods_300_hammond_pond_parkway.asp)
- (for Elgin Street project)  
Newton Conservators  
PO Box: 590011  
Newton Centre, MA 02459  
website: [www.newtonconservators.org](http://www.newtonconservators.org)

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### 300 Hammond Pond Parkway (Rear) / Webster Woods

Off Hammond Pond Parkway, Chestnut Hill, MA Newton Centre, MA 02467; north of state Dept. of Conservation & Recreation Hammond Pond Reservation, abutting City of Newton Webster & Cohen Conservation Areas accessed from Warren & Elgin Streets, Newton Centre, MA 02459

*photos credit: Dan Brody, Newton Conservators*  
([www.newtonconservators.org/websterphotos.htm](http://www.newtonconservators.org/websterphotos.htm))

### other online resources:

- **High-Interest Projects page for this project** (under Development Review on Planning & Development Department website)
- **Newton Conservators Webster Woods webpage**  
([http://www.newtonconservators.org/webster\\_preservation.htm](http://www.newtonconservators.org/webster_preservation.htm))
- **Friends of Webster Woods Facebook page** (<https://www.facebook.com/fowwnewton/>)



**goals:**

Protect the open space character of the rear portion of this property by acquiring either land or a conservation restriction.

**funding:**

**pre-acquisition**

\$100,000 CPA funds requested

\$5,000 City of Newton general fund budget contribution

**acquisition (tbd)**

**Proposal Review & Appropriations**

21 June-3 July 2018 - **pre-proposal for funding of pre-acquisition professional services**

August - September 2018 - **proposal for funding of professional services** (including 2015 letters from the Conservation Commission and Board of Aldermen resolution)

13 September 2018 - **community letters received to date** (not submitted by proposal sponsor)

13 September 2018 - **presentation to Newton CPC public hearing**

24 September 2018 - **CPC funding recommendation**

**Project Background & News**

1650s-1970s - **Webster & Cohen Conservation Areas land use & ownership timeline**

1874-1953 - **Hammond Pond Parkway area maps**; see 1917 map (also displayed below) for land then owned by Metropolitan District Commission (MDC) prior to construction of the Parkway

August 1954 - **300 Hammond Pond Parkway sold by MDC to Congregation Mishkan Tefila** (deed, restriction)

October-November 2015 - support for open space preservation at 300 Hammond Pond Parkway:

- **Newton Conservation Commission letters** to Mayor, Board of Aldermen, CPC
- **Newton Board of Aldermen resolution** 195-15(2)

webpage:

[www.newtonma.gov/gov/planning/cpa/projects/webster.asp](http://www.newtonma.gov/gov/planning/cpa/projects/webster.asp)

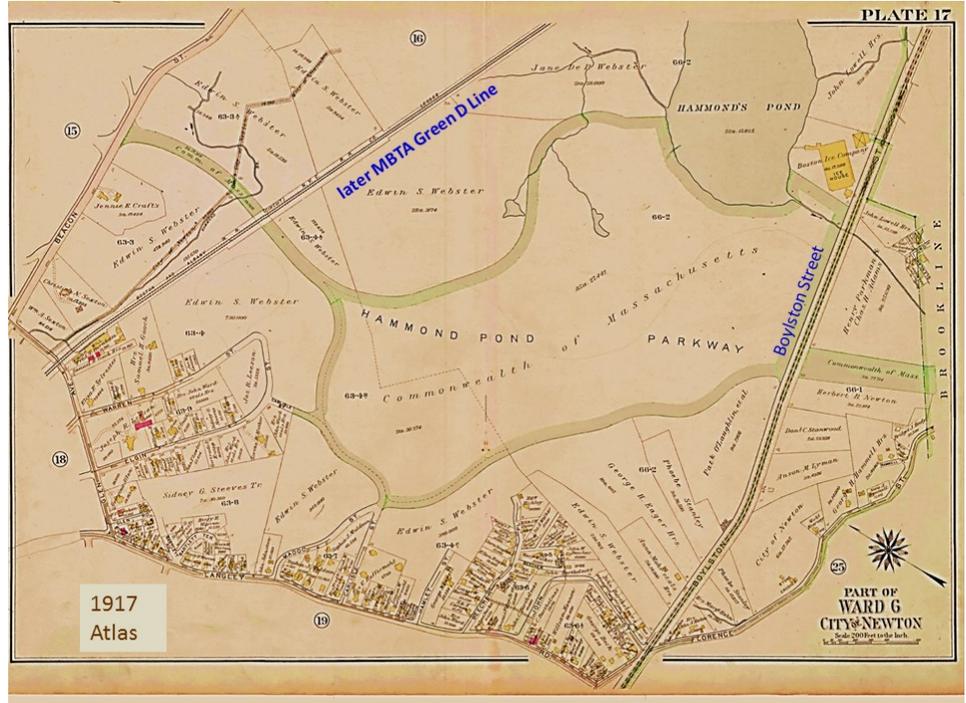
24 Sep 2018 #50948

May 2016 - 300 Hammond Pond Parkway sold by Congregation Mishkan Tefila to Boston College (deed)

August 2017 - appraisal of 300 Hammond Pond Parkway for the City of Newton

March 2018 - Mayor's Advisory Panel for 300 Hammond Pond Parkway

July 2018 - map of trails on this parcel, from Newton's Geographic Information System





Ruthanne Fuller  
Mayor

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

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Barney S. Heath  
Director

---

**MEMORANDUM**

**DATE:** October 5, 2018

**TO:** Councilor Susan Albright, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Barney S. Heath, Director of Planning and Development  
James Freas, Deputy Director of Planning and Development  
Rachel Blatt, Long Range Planner

**RE:** **Chairs Note:** There will be a discussion of the Committee's review of the Zoning Redesign draft and the draft Washington Street Vision Plan, as well as the meeting design for the upcoming Ward-by-Ward meetings on Zoning Redesign.

**MEETING DATE:** October 10, 2018

**CC:** Ouida Young, City Solicitor  
Jonah Temple, Assistant City Solicitor  
John Lojek, Commissioner of Inspectional Services

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On October 22<sup>nd</sup>, the Planning Department will present to the Zoning and Planning Committee the first full draft of the revised zoning ordinance from Zoning Redesign project. Then, on October 24<sup>th</sup>, the Principle Group will present their draft of the Washington Street Vision Plan in a public meeting, with the ZAP Committee review beginning on November 14<sup>th</sup>. Looking ahead, the Planning Department has been working with the Chair and Vice-Chair to develop a structure for reviewing these two substantial documents in the Committee alongside other business. Community engagement and feedback will continue to track alongside the Committee reviews.

**Reviewing Zoning Redesign & Washington Street Vision Plan + Zoning**

The Zoning Redesign and Washington St Vision projects are anticipated to need substantial time for discussion in the Committee. Enclosed are one-page descriptions of the overall engagement and review processes for the draft Zoning Redesign ordinance and Washington Street Vision projects and a two-page meeting facilitation strategy for discussing these projects in committee including the roles staff will play in tracking the Committee's guidance and decisions as these projects move from first drafts to refined final versions (Attachment A). A draft schedule of Committee meetings and the topics on each agenda is included as well (Attachment B).

### **Ward-by-Ward Meetings – Meeting Design**

---

This fall, the Committee will be hosting ward by ward public meetings about the draft Zoning Ordinance and the Zoning Map. Staff has been working with the Chair and Vice-Chair on meeting design. The recommendation is to set up one 2-3 hour long event in a central location within each ward. During the event, staff will present twice, once at the beginning and the same presentation again at the mid-point with the remainder of the time devoted to staff discussions with individuals and small groups. In addition, the room will have a gallery of information posters and handouts. We anticipate that there will be interest in hyper-focused conversations about a property or set of neighboring properties, which lends itself to more of a small group discussion format. The two presentations are intended to allow for constituents to self-sort into the early time block or later time block, limiting how long constituents have to wait to discuss their particular location or issue of concern with staff.

There has been interest from some of the Area Councils in co-hosting the meetings with the Ward Councilors. Planning Department staff will work with the Area Councils and Ward Councilors to coordinate co-hosting.

### **The Zoning Reform Group Report**

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The Zoning Reform Group Report, adopted by the City Council in 2011, has been the guiding basis for the draft that will be distributed in a few weeks. A copy of the Zoning Reform Group Report is enclosed here as a reference in anticipation of the meeting on October 22<sup>nd</sup> (Attachment C).

The report lays out 11 themes that Zoning Reform in Newton was meant to accomplish. Phase 1, completed in the 2015 revised ordinance, created an easier to read format, and cleaned up inconsistencies. Phase 2, which continues with the forthcoming draft, focuses on creating a better baseline ordinance starting from the context of Newton's many neighborhoods.

### **Attachments**

**Attachment A:** Proposed Meeting Facilitation Design for Zoning Redesign and Washington Street Vision

**Attachment B:** Draft ZAP Schedule for 2018-2019

**Attachment C:** Zoning Reform Group Report, 2011

# Proposed ZAP Facilitated Discussion Guide

## Zoning Redesign + Hello Washington Street!

### Roles

#### Facilitation Leaders: ZAP Chair/Vice Chair

- Speaker Management
- Confirm consensus on direction

#### Proposed Roles for Staff

- Notetaker for Facilitated Discussions
- Presentation, explanations & sketching
- Live detailed note-taking (line-by-line in background)

### Facilitation Materials:

1. Projector/Screen for Presentation
2. Facilitated Decision Matrix (Large Format or Digital + Handouts for members)
3. White Board
4. Flip Chart "Ideas To Come Back To"

### Facilitation Outline

1. Facilitator provides an overview of the facilitated discussion matrix & collects speaker list
  - Instruction to group:  
As you bring points up, have in mind and feel free to suggest, where on the matrix your comment might belong (point of agreement, proposed modification, point that needs further discussion next time, point that needs additional research, or the ideas to come back to list). The Ideas To Come Back To list is for things that shouldn't be forgotten but don't quite fit with the topic at hand.
2. A topic is introduced by a short staff presentation on the topic and how it was approached in the draft ordinance and options around the topic (approx. 20 minutes).
3. As the conversation flows, the Facilitator manages speaker list, speaking time, and checks in with the Committee to see where a comment should be placed in the discussion matrix. The speakers list will have two lists: those wishing to introduce a new idea, and those wishing to respond to a colleague's idea.
  - 1-finger raised indicates that someone would like to introduce a new idea
  - 2-fingers raised indicates that the speaker would like to respond
4. The staff Notetaker will not place something on the large format matrix until told to do so by the Facilitator.

Explanation of each box in the Discussion Matrix:

- POINTS OF AGREEMENT BOX: If there is agreement on a point, even if its small, it should be placed in the Points of Agreement Box. A straw vote should be taken to see who agrees. The comment along with initials of each Councilor in agreement will then be noted by the Notetaker.
- PROPOSED MODIFICATION BOX: Like with the agreements, if there is a proposed modification, a straw vote should be taken to see if there is consensus to make a proposed change to the idea or approach.

This box is NOT for line-by-line, wordsmithing and punctuation changes.

The purpose of the first phase facilitated discussions is to confirm the direction, the methods, and the numbers in order to inform the development of the refined draft. Any Councilor may submit written line-by-line edit proposals to staff at the meeting or via email for consideration in the revised draft. Detailed line-by-line review as a group will be done on the refined draft starting in May/June. The Committee will all be receiving flash drives and dropbox links to word format copies of the draft to facilitate line-by-line editing for those who would like to do so from the start.

The modification along with initials of each Councilor in agreement will then be noted by the Notetaker.

- STAFF RESEARCH BOX: This portion of the matrix is for items that the Committee would like to see more research on. Items placed here will be revisited at least 2 ZAP meetings in the future in order to give staff enough time to collect and prepare new materials.

The request along with the initials of the Councilor making the request will be noted by the Notetaker. Staff will follow up on items requested for further research with either a follow-up memo, presentation, or both depending on the nature of the item.

- POINTS TO DISCUSS NEXT TIME BOX: This last portion of the matrix is for items within the topic that simply need more time. The Facilitator should check in with the Committee to see if the comment rises to the point that it needs its own matrix. This is expected.
- IDEAS TO COME BACK TO BOX: Items here are not germane to the conversation at hand, but are valuable generally, and so are tracked for future conversations.

|                             |                                 |                       |
|-----------------------------|---------------------------------|-----------------------|
| Points of Agreement         | Proposed Modifications          | Ideas to Come Back To |
| Points to Discuss Next Time | Points that need Staff Research |                       |

# Zoning Redesign

## Review planning for after October 22<sup>nd</sup>

### ZAP Meetings

#### **PART 1: Facilitated Discussions (October-April)**

1. Overview
2. Residential Districts
3. Village Districts
4. Single-Purpose Districts
5. Bringing it all together: Districts + Build Out Analysis
6. Environmental Standards
7. Transportation Standards
8. Signs and Art
9. Bringing it all together: Development Standards
10. Bringing it all together: Process and Administration

#### **PART 2: Line by Line Editing (May-September)**

1. Issue Refined Draft on May 27
2. Hold Article by Article detailed text review discussions - Articles 1-11.

#### **Facilitation techniques**

- Live record proposed edits digitally.
- Note broader questions on Flip Chart.
- Separate list for Ideas to Come Back To.
- White board to live illustrate graphics.

#### **PART 3: Public Hearing & Voting**

**Dates to be determined.**

### Parallel Engagement

#### **Public Events**

1. **Ward-by-Ward Meetings (Nov-Feb)**
2. **Office Hours**  
Dates once a month from Mar-Sept 2019
3. **Online Engagement**  
Email: zoningredesign@newtonma.gov

#### **Full City Council Engagement**

1. **Quarterly full City Council Updates**  
The Planning Department will provide quarterly updates to the full City Council  
  
*Dec 6: Overview and ongoing engagement*

#### **Planning Board Engagement**

1. **Quarterly Planning Board Meetings**  
The Planning Department is working to finalize how the Planning Board will provide feedback on the draft ordinance. Quarterly discussions at the Planning Board meetings are anticipated, and the Planning Board is anticipated to have some members present during ZAP discussions.

#### **Meetings - Community Groups**

1. Staff will meet with interested community groups, including any area council, after the conclusion of the ward-by-ward meetings (Mar-May).

# Hello Washington Street!

Review planning for after October 24<sup>th</sup>

## ZAP Meetings

### **PART 1: Monthly Updates**

1. Update presentations by staff/Principle Group  
Include budget review

#### Facilitation techniques

- Live record proposed edits digitally.
- Note broader questions on Flip Chart.
- Ideas to Come Back to List.
- White board to live illustrate graphics.

### **PART 2: Facilitated Discussions (Nov-March)**

#### Draft #1

1. Overview
2. West Newton
3. Newtonville
4. Crafts Street area
5. Newton Corner
6. Zoning Toolkit
7. Other Tools

#### Draft #2

8. Vision Plan Full Draft
9. Zoning Full Draft

#### Draft #3

10. Refined Draft Vision and Zoning Review

### **PART 3: Public Hearing & Voting**

Dates to be determined.

## Parallel Engagement

### **Public Events**

#### 1. **Public Process (Oct-April)**

Drafts of vision plan and zoning recommendations will be refined by the community.

**Plan Open House Events** October 24<sup>th</sup> to present first draft and receive feedback. Followed by online comment period. Second drafts of vision plan and zoning will be released at community event in January or February, followed by second online comment period to refine second drafts of documents.

**Forums** about technical/special topics to be held in Winter.

Staff will host **drop-in hours** in Winter to provide opportunity for further community input and detailed dialogue.

#### 2. **Community Connectors**

Group responsible for getting word out to community networks will meet regularly including October 10<sup>th</sup>

#### 3. **Online Engagement**

Online platform Civicomment will facilitate community input on draft vision plan and zoning ordinance.

### **Planning Board Engagement**

The Planning Department is working with the Planning Board to finalize how the Board will provide feedback on the draft ordinance.

# Zoning Redesign Facilitated Discussion Matrix

Topic/Subtopic: \_\_\_\_\_

Date: \_\_\_\_\_

|                                    |  |                              |
|------------------------------------|--|------------------------------|
| <b>Points of Agreement</b>         | <b>Proposed Modifications</b>          | <b>Ideas to Come Back to</b> |
| <b>Points to Discuss Next Time</b> | <b>Points that need Staff Research</b> |                              |

## Draft ZAP Schedule - 2018 to 2019

|                        | Item   | 2018       |                     |                         |   | 2019              |            |                          |   |                         |                |              |                                   |
|------------------------|--|------------|---------------------|-------------------------|---|-------------------|------------|--------------------------|---|-------------------------|----------------|--------------|-----------------------------------|
|                        |  | 22-Oct     | 14-Nov              | 26-Nov                  | 10-Dec                                    | 14-Jan            | 15-Jan     | 28-Jan                   | 11-Feb  | 25-Feb                  | 11-Mar         | 12-Mar       | 25-Mar                            |
|                        | Joint Meetings                                 |            |                     |                         |   |                   | Land Use   | Land Use                 |   |                         |                | Land Use     |                                   |
|                        |  | Plan Board | Plan Board          |                         |   |                   | Plan Board | PB / EDC                 | Plan Board  | Plan Board              |                | Plan Board   |                                   |
| Zoning Redesign        | Zoning Redesign                                | Overview   |                     | Residential Districts   | <i>Dec 6 - Overview with Full Council</i> | Village Districts |            | Single Purpose Districts | Districts - Bringing it all together & Build Out Analysis | Environmental Standards | Transportation |              | Signs and Art                     |
| Washington Street Plan | Wash St Plan & Zone                            |            | Overview (Draft #1) | West Newton             | Newtonville                               | Crafts St         |            | Newton Corner            | Zoning Toolkit  | Other Tools             |                |              | Vision Plan Full Draft (Draft #2) |
| Joint Project          | Riverside                                      |            |                     |                         |   |                   | Intro      |                          |   |                         | Text Review    | Urban Design |                                   |
| Climate Planning       | Climate Resilience                             | Discussion |                     |                         | Public Hearing                            | Discussion        |            |                          |   |                         |                |              |                                   |
|                        | Climate Action                                 |            |                     |                         |   |                   |            | Discussion               |   | Discussion              |                |              |                                   |
| Econ. Dev.             | Economic Development Strategy & Implementation |            |                     | Economic Devt. Strategy |   |                   |            |                          |   |                         |                |              |                                   |
| Other ZAP Items        | Marijuana                                      |            | Discussion          |                         |   |                   |            |                          |   |                         |                |              |                                   |
|                        | Inclusionary Zoning                            |            | Public Hearing      | Discussion              |   |                   |            |                          |   |                         |                |              |                                   |
|                        | Appointments                                   |            |                     |                         |   |                   |            |                          |   |                         |                |              |                                   |

\* Assign Public Hearing

|                        |  | 2019                                      |                                    |          |   |                        |                           |                              |                              |                               |                              |            |                             |            |
|------------------------|--|---|------------------------------------|----------|---|------------------------|---------------------------|------------------------------|------------------------------|-------------------------------|------------------------------|------------|-----------------------------|------------|
| Item                   |  | 8-Apr                                     | 22-Apr                             | 29-Apr   | 13-May                                      | 27-May                 | 10-Jun                    | 24-Jun                       | 7/8 or 7/22                  | 8/12 or 8/26                  | 9-Sep                        | 23-Sep     | 14-Oct                      | 28-Oct     |
|                        | Joint Meetings                                 |   |                                    |          |   |                        | Land Use ?                |                              |                              |                               |                              |            |                             |            |
|                        |  |   | Plan Board                         |          |   |                        | Plan Board                |                              |                              |                               |                              | Plan Board |                             |            |
| Zoning Redesign        | Zoning Redesign                                | Dev. Standards - Bringing it all together | Process - Bringing it all together |          |   | Refined Draft Overview |                           | Refined Draft - line by line | Refined Draft - line by line | Refined Draft - line by line* | Refined Draft - line by line | PH         | PH continued? Or discussion | Discussion |
| Washington Street Plan | Wash St Plan & Zone                            | Zoning Full Draft                         |                                    |          | Refined Draft Vision and Zoning* (Draft #3) |                        | PH - Vision Plan & Zoning | Discussion                   |                              |                               |                              |            |                             |            |
| Joint Project          | Riverside                                      |   |                                    |          |   | Text Review*           | PH                        | Discussion                   |                              |                               |                              |            |                             |            |
| Climate Planning       | Climate Resilience                             |   |                                    |          |   |                        |                           |                              |                              |                               |                              |            |                             |            |
|                        | Climate Action                                 |   | PH                                 |          | Discussion                                  |                        |                           |                              |                              |                               |                              |            |                             |            |
| Econ. Dev.             | Economic Development Strategy & Implementation |   |                                    |          |   |                        |                           |                              |                              |                               |                              |            |                             |            |
| Other ZAP Items        | Appointments                                   |   |                                    |          |   |                        |                           |                              |                              |                               |                              |            |                             |            |
|                        |  |   |                                    | Budget ? |   |                        |                           |                              |                              |                               |                              |            |                             |            |

\* Assign Public Hearing



Setti D. Warren  
Mayor

## City of Newton, Massachusetts

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January 13, 2012

Dear Honorable Board of Aldermen,

It is my pleasure to recommend to you the Final Report from the Zoning Reform Group. Zoning reform is profoundly important for the future of Newton to enable needed economic development, revitalize our village centers, and ensure a high quality of life in Newton's neighborhoods for generations to come.

From its creation nearly a year ago, the Zoning Reform Group has worked hard to develop a visionary and practical plan for zoning reform in Newton. Like many of you, I have been impressed with the thoughtfulness and energy with which this document has been prepared. The results exemplify a successful collaboration between the Executive Office and the Board of Aldermen.

I support the approach that the Zoning Reform Group has laid out, including the use of technical experts to complement our professional staff in order to move ahead with the work in a timely way. As proposed, the Planning Department will actively manage and work with our zoning experts, coordinate public forums and create a new Zoning Ordinance that supports the Newton we want.

I hope you will carefully review this document in preparation for the budget discussions this spring to familiarize yourselves with the significance of this project. Once funding is approved, City staff will engage a broad and diverse range of citizens in a conversation about zoning, planning, and development and every perspective will be heard. I hope you will join with me in ensuring this essential project is a success and in thanking those who contributed their time and expertise to this outstanding effort, including Jason Rosenberg, Terry Morris, Jen Molinsky, Peter Kilborn, Marc Hershman, Steve Vona, and a very special thanks to the Committee Chair, Alderman Deb Crossley for her outstanding leadership and commitment to this effort.

Sincerely,

Setti D. Warren  
Mayor

Cc: John Lojek, Commissioner of Inspectional Services; Candace Havens, Director of Planning and Development; Maureen Lemieux, Director of Finance; Bob Rooney, Chief Operating Officer

# **Zoning Reform**

**Final Report**

**December 30, 2011**



**Prepared for the  
City of Newton**

**by the**

**Zoning Reform Group**



**Alderman Deb Crossley, Chair**

**Marc Hershman, Peter Kilborn, Jennifer Molinsky,**

**Terry Morris, Jason Rosenberg, and Steve Vona,**

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## Executive Summary

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The Board of Aldermen created the Zoning Reform Group (ZRG) in the winter of 2010-11 in response to broad sentiment that Newton’s Zoning Ordinance is difficult to understand and administer and sometimes does not result in the best outcomes for the community. Mayor Warren and Board of Aldermen President Scott Lennon selected its members from a pool of applicants representing diverse perspectives and experiences with Newton’s Zoning Ordinance. The ZRG’s charge was to develop “a plan to reform Newton’s zoning code” including, but not limited to “determining long and short-term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform, and identifying potential resources to assist in the process.”

Zoning reform is of critical importance to the future of Newton. The Zoning Ordinance guides new construction, redevelopment, and land use patterns by creating regulations, standards, and review processes that shape the City over the long term. The last comprehensive review and revision of Newton's Zoning Ordinance took place in 1987. Much has changed in Newton and the Greater Boston metropolitan area since then. An updated Ordinance could help the City better respond to changing market pressures, guide new development, renew Newton’s village centers, and protect the City’s unique residential neighborhoods.

The ZRG recommends a comprehensive revision of Newton’s Zoning Ordinance to begin in less than a year and to be completed within three and a half years, requiring an investment over three years of at least \$250,000 for consultant services, as well as additional staff support. The Group further recommends that such an effort consist of three phases. The first would reorganize the existing regulations to make the Ordinance more user-friendly, well-illustrated, and clear; some policy decisions may be necessary to resolve conflicting or confusing sections. The second phase would involve a comprehensive rewrite of the Ordinance to incorporate policy changes that will channel growth to mixed-use areas, protect residential neighborhoods, and better reflect the goals of the City’s *Comprehensive Plan*. Finally, Phase Three would be a review phase, occurring one year after comprehensive changes are adopted and before any adjustments are made to the new Ordinance.

## **I. Newton's Zoning History and the Zoning Reform Group**

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At the turn of the 20<sup>th</sup> Century, many burgeoning industrial cities including Boston, New York, and Philadelphia were struggling to protect their historic character and public health in the face of growing populations, taller buildings, and noxious industrial activities. In 1920 Massachusetts enacted the Zoning Enabling Act, giving the right to regulate land use to cities and towns. Newton first adopted zoning in 1922. Initially zoning divided the City into five districts broadly separating single-family residential areas from business and manufacturing areas.

Over the past 90 years, Newton's Zoning Ordinance has grown from 16 pages to approximately 125 pages, becoming more complex and specific. Much of this increased complexity reflects changes in Newton's built environment over those years. In 1922, Newton was still largely agricultural and thinly settled between its railroad villages; today Newton is a largely developed City of approximately 85,000 people. New uses, increasing density and traffic, and a variety of public concerns led to more and more zoning regulations meant to allow property owners the "quiet enjoyment" of their land and protect them from nuisance or injury. Many of these regulations were driven by specific complaints and not by a comprehensive vision for how zoning should work.

Newton completed a new *Comprehensive Plan* in 2007 and embraced its status as a "Green Community" in 2010. In continuing to adapt to the changing land use needs and challenges of a new century, Newton's zoning ordinance must adapt as well so that the two documents are congruent and the messages to the development community and citizens are consistent. A comprehensive revision of the Zoning Ordinance can support the use of more energy-efficient building technology and the creation of smart-growth, mixed-use developments as outlined in the *Comprehensive Plan*. By making the Ordinance easier to use, residents and business owners will be able to spend less time and money on professional support in navigating the development process and City staff will be freed from deciphering an outdated set of rules to work on long-range planning and development projects, which will further improve the City's quality of life.

Reflecting this realization, in the winter of 2010-11, Mayor Setti Warren and the Board of Aldermen formed the Zoning Reform Group (ZRG) and charged it with the task of recommending long-term and short-term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform, and identifying potential resources to assist in the process of Zoning Reform. The membership of the Zoning Reform Group includes experienced local land use attorneys, an architect, a planner, a retired judge, and a developer: Marc Hershman, Peter Kilborn, Jennifer Molinsky, Terry Morris, Jason Rosenberg, Steve and Vona. Alderman Deborah Crossley serves as chair, with staff support from Jennifer Molinsky, Chief Planner for Long-Range Planning and Seth Zeren, Chief Zoning Code Official.

The ZRG met regularly over the spring and summer to consider the objectives of the *Comprehensive Plan*, the limitations of the existing Zoning Ordinance, the principles and goals for which zoning reform should strive, and the process and mechanism by which that reform can be achieved. The meetings have been open to the public and well attended by community members and aldermen. Three subcommittees were formed to focus on 1) commercial zoning; 2) residential zoning; and 3) open space, institutional, and public use zoning. The ZRG held a public workshop on July 27, 2011 and a second public workshop on November 3, 2011 to receive comments on the draft final recommendations. The ZRG concluded its deliberations with this Final Report, delivered to the Mayor and Board of Aldermen on December 16, 2011.

## II. Principles for Newton's Zoning Ordinance

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In its deliberations, the Zoning Reform Group identified the following essential principles for a reformed Zoning Ordinance. This report uses “principles” to describe what the Ordinance itself should be like and how it should function. These principles should be carried through all zoning changes, during a reform effort and thereafter as the Board may amend the Zoning Ordinance over time.

The Zoning Ordinance should:

- Be easy to use, administer, and enforce
- Be well-organized, indexed, and cross-referenced
- Use clear, precise, and contemporary language
- Be internally consistent
- Produce predictable, desired results
- Balance flexibility and predictability
- Support the vision expressed in the *Comprehensive Plan*

## III. Themes for Zoning Reform

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The Zoning Reform Group used themes as a way to organize and express how the Zoning Ordinance can be improved to produce the City's desired outcomes. The ZRG identified the following eleven major themes for zoning reform through its research, deliberation, and dialogue with citizens and City staff. Each of these themes represents a significant policy goal identified in the *Comprehensive Plan* that the ZRG believes the current Zoning Ordinance does not adequately support. Therefore, the changes necessary to achieve these goals will require significant changes to the Zoning Ordinance. The ZRG feels that by addressing each of these issues, the Zoning Ordinance and resulting development outcomes will more closely match the aspirations of the *Comprehensive Plan* and improve the quality of life in Newton. A reform effort may also need to look beyond the Zoning Ordinance itself and consider changes to historic preservation, conservation, fence, and other regulations in other chapters of the City Ordinances to achieve the themes below.

### 1. Better organize the Ordinance for ease of use

Newton's Zoning Ordinance is difficult both for professionals and lay citizens to interpret and use.

Zoning reform should include modernizing the language of the Ordinance to accommodate 21<sup>st</sup> century uses and land use patterns, remove ambiguities and inherent contradictions. Reorganizing its sections and incorporating cross references and an index will facilitate research and retrieval of all relevant information on any given issue. Wherever possible, tables and illustrations can be used to make concepts or regulations clearer and easier to reference. All terminology can be defined in the “Definitions” section and then used consistently. Footnotes should be used for clarifications or cross references and not contain hidden regulations or exceptions. Similarly, definitions should not contain regulations and vice-versa. Use of the internet can make the Zoning Ordinance easier to access with digital formatting to communicate complex issues through graphics and links to related definitions, concepts, and tools. Lastly, the reform process must address rules for the format of future amendments to ensure that new changes are integrated into the Ordinance without creating unnecessary complexity or confusion.

## **2. Simplify and streamline the permitting and review processes**

Many desirable developments that accord with the *Comprehensive Plan* require special permit approvals before the Board of Aldermen, which is the special permit granting authority in Newton. Special permits can involve significant staff time and, depending on the project, may require lengthy reviews. Because the Board is also an elected legislative body, some complain that members' political roles conflict with their quasi-judicial special permit granting authority.

Zoning reform must address how to lower the administrative burden of permitting, streamline the process, and devolve some aspects of discretionary review to an administrative function and/or other boards or commissions. A simpler ordinance (theme 1) would help reduce the time required for staff zoning reviews and interpretations, and the need for special permits in some cases. To that end, the ZRG recommends: (1) evaluating what land uses or building plans, currently allowed only by special permit, might be allowed by-right (requiring only a building permit), and (2) expanding the use of *de minimus* rules for existing nonconformities to allow some changes to properties that do not conform with zoning regulations without the need for a special permit. The process for obtaining a special permit should be clarified and the criteria for granting a special permit expanded. In addition, some minor special permits could be delegated to another group, such as the Zoning Board of Appeals or the Planning and Development Board or to administrative review, while reserving those major projects that have the potential to profoundly reshape Newton to the discretion of the full Board of Aldermen.

## **3. Recognize that each village center and commercial corridor is unique**

Newton has long been a "city of villages," with important commercial corridors: Needham Street, Boylston Street (Route 9), and Washington Street. Despite their diversity, Newton's Zoning Ordinance currently treats most village commercial centers and commercial corridors with similar zoning districts and zoning requirements.

This zoning reform effort recognizes that each village center and commercial corridor is a unique place and explores options for more focused and individualized zoning. There is not a "one size-fits-all" solution to regulating development in Newton's commercial areas. The ZRG recommends the consideration of several methods for supporting this diversity, including creating new base zones, village overlay zones, and/or design guidelines.

## **4. Encourage mixed-use residential redevelopment in village centers**

Vibrant village centers are the heart of Newton's quality of life. Over the decades, however, Newton's village commercial centers have lost density and key services as larger structures have been replaced with single-story retail buildings or parking lots and as offices have replaced upper-story residences. A renewal of the historic building fabric of multi-story, mixed-use buildings can accommodate the City's need for moderate growth and the population's need for diverse housing (theme 9) while remaining appropriate to the surrounding neighborhoods.

Zoning reform must address how best to allow appropriate mixed-use density to encourage this renewal. The ZRG considered whether commercial uses with shorter hours and less pedestrian activity, such as banks,

should be limited to enliven the pedestrian environment throughout the day. Parking requirements could be revised to encourage shared parking and a diversity of transportation choices (theme 7). More creative use of zoning mechanisms can further the emphasis on appropriate building form<sup>1</sup> in village centers and employ incentives to encourage preferred designs or uses. Where appropriate, the Zoning Map and Ordinance should be revised to incorporate specific base zones or overlay zones (themes 3 and 5). Revised sign standards and/or village-specific design guidelines can complement form-based standards<sup>2</sup> (which focus on the building's shape, bulk, and design). The allowed uses in commercial areas should be clarified, modernized, and presented in a clear table.

#### **5. Create “soft transitions” between village centers and residential neighborhoods**

Village centers have blended most successfully with surrounding neighborhoods where the commercial core has transitioned gradually to the residential neighborhoods that surround it. Such “soft transitions” may involve a transition zone between village and residential zones where commercial buildings give way to two-family or multi-family dwellings and to offices with a residential character.

A zoning reform effort should consider where and how it would be appropriate to encourage these soft transitions. Some possibilities considered by the ZRG include the creation of new zoning districts and/or overlay districts that would encourage moderate density mixed-use development and multi-family dwelling or design guidelines and/or dimensional controls that promote a measured transition between villages and residential neighborhoods.

#### **6. Allow moderate, flexible growth on commercial corridors**

Newton's commercial corridors, Needham Street, Washington Street, and Boylston Street (Route 9), have significant potential for new development or redevelopment, which would help provide jobs and tax revenue to support the economic health of Newton as a whole. The *Comprehensive Plan* recommends moderate growth along these commercial corridors, concentrated near existing commercial centers and/or transit nodes.

Creative zoning can provide for target increases in density to make new developments financially viable and create opportunities for business and job creation. Zoning regulations should also be flexible so that uses and structures may change through time without requiring a special permit for each new structure, alteration, or tenant (theme 2). Rezoning and development of these areas should involve a collaborative process for planning large-scale mixed-use development, as suggested recently by the Mayor's Mixed-Use Task Force in their newly adopted amendment to the *Comprehensive Plan* regarding mixed-use developments.

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<sup>1</sup> The form of a building is its size, shape, and location on the lot. 'Appropriate' forms would be those which fit within the context of the surrounding area and/or create the context for which we strive. This will be different for each unique area.

<sup>2</sup> Form-based standards emphasize how a building looks over how it is used. More specificity around building height, shape, location, and design is complemented by a predictable, by-right permitting process.

## **7. Rationalize and streamline parking regulations**

Newton's parking regulations are commonly cited as a significant hurdle to commercial development, particularly for new small businesses. Waiving required parking stalls triggers special permit review, which adds time and expense to the approval process. Parking requirements are important to ensure that adequate parking is provided to service our commercial centers. Yet, many of Newton's village centers are walkable from surrounding neighborhoods and accessible by transit, so parking demand is less than for shopping centers only accessible by car.

Therefore, a zoning reform process should consider how to revise required parking ratios, particularly for commercial and residential uses in village centers, and how to facilitate the use of shared parking arrangements. A reform process should also consider allowing a payment in lieu of providing parking<sup>3</sup> as a way of streamlining required parking waivers and raising revenue for municipal parking facilities. These zoning changes would need to be linked to non-zoning improvements in physical parking infrastructure including way-finding signage, demand-priced metering, and municipal parking garages or lots in high demand areas.

## **8. Protect neighborhood character and scale**

Newton is a City of many unique residential neighborhoods. In recent years, demand for large houses in the greater Boston area has led to a rapid rise in the number of new homes that are out of scale with their neighborhood context. In response, residential FAR rules have been created and revised to limit the scale of new construction and to encourage the preservation of existing smaller homes while allowing for modest additions.

The zoning reform process should consider how to preserve the historic character and scale of Newton's residential neighborhoods while allowing homeowners to make improvements without undue restrictions. In achieving this, a zoning reform process could examine not only FAR, but also Newton's old lot/new lot distinction, setbacks, allowed height/stories, frontage, lot size, and/or residential district mapping to ensure that each street or neighborhood is zoned appropriately to its desired character and scale. In Historic Districts, defining appropriate design guidelines specifically crafted to neighborhoods or historic styles could also be useful in keeping the design of new development in character with existing neighborhoods.

## **9. Create more diverse housing opportunities**

If Newton is to thrive and its social diversity is to be maintained, the City must have a diverse housing stock. Currently, large single-family homes predominate and the number of smaller homes is steadily decreasing through tear-downs and upgrades. This leaves few options for young singles and married couples beginning their careers seeking housing in Newton, and for empty-nesters who wish to downsize and stay in the community.

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<sup>3</sup> Payment in lieu of providing parking, or "parking-in-lieu" fees, allow a property owner to pay a set fee to waive a required parking space, often through an administrative process. These fees are then used to provide public parking facilities or other transportation-related amenities to offset the new demand.

Newton's zoning regulations should be systematically audited to identify barriers to and incentives for the creation of more affordable housing (priced at the lower end of market rate). Such housing can be "naturally affordable" due to smaller unit sizes and higher density on the land. Residential zoning should not impose unnecessary constraints upon the development of multifamily housing and the adaptive reuse of existing large homes or nonconforming structures, especially near transit nodes and in village centers and in their "soft transitions" (theme 5). Instead, zoning reform should consider how to provide incentives for creative approaches that serve our housing needs, including accessory apartments, small multifamily dwellings, single-room occupancy units, two-family and three-family dwellings, and townhouses. Reform could also result in a streamlined review process for small projects that meet affordable housing goals. The ZRG recommends that further improvements to inclusionary housing and accessory apartment rules should be considered as well.

#### **10. Institute a better process for managing change of religious and educational institutions**

Newton is home to a number of institutions of primary, secondary, and higher education along with numerous religious and nonprofit institutions. MGL C.40A, Section 3 and the "Dover Amendment" place limits on the regulation of such uses through zoning.

The zoning reform process should seek to identify a better and more collaborative mechanism to manage institutional growth and change over time. The ZRG considered several possibilities, including processes for reviewing and updating institutional master plans in collaboration with the community and the City's Planning Department and for reviewing specific project proposals in light of those plans.

#### **11. Improve natural resource conservation and sustainability**

Newton is known as the "Garden City" and has a long tradition of public open space and natural resource conservation. Newton was recently recognized as a Massachusetts "Green Community" and seeks to become a more resource-efficient and sustainable city in the years to come. Zoning reform should encourage the preservation of open space, including golf courses, public parks, the Charles River waterfront, pedestrian paths, and open space on residential lots.

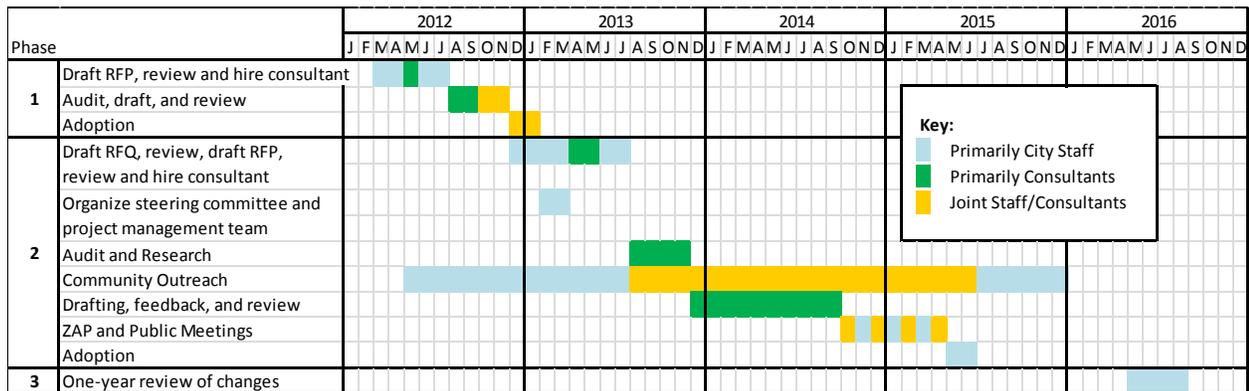
The zoning reform process should explore ways to encourage the construction of energy-efficient and durable buildings, and support the use of new technologies (such as photovoltaic panels). Similarly, zoning reform should examine how regulations could be revised to facilitate energy retrofitting.

## IV. Recommendations for Zoning Reform Process

The Zoning Reform Group has considered many different approaches to the process of zoning reform. Major questions have included whether and how to use consultants, the role of staff, how to organize policy and organizational changes, how and when to engage citizens and stakeholders, funding options, and timeline. The ZRG also considered the experiences of other municipalities with zoning reform and the advice of independent planning consultants. From these deliberations, the ZRG reached consensus on the preferred approach, outlined below.<sup>4</sup>

The proposed model of zoning reform consists of three phases which, when integrated together, will lead to a comprehensive revision of Newton’s Zoning Ordinance, as shown below.

- **Phase 1** is a reorganization and reformatting of the Zoning Ordinance to make it easier to use, resolve confusing or contradictory passages, and incorporate illustrations and tables
- **Phase 2** is a comprehensive rewrite of the Zoning Ordinance and revision to the Zoning Map, addressing the themes in Section 3 to better implement the *Comprehensive Plan*
- **Phase 3** is a one-year review of the revised Zoning Ordinance to consider how well it has worked and make coordinated adjustments leading to an ongoing process of regularly scheduled zoning maintenance



Throughout these three phases, close collaboration among the Planning Department, the President of the Board of Aldermen, the Chair of the Zoning and Planning Committee, and the Chair of the Planning and Development Board will be needed to ensure that the legislative agenda supports a comprehensive zoning reform approach. The consultant’s work will not occur in a void but rather will be guided at every step by local knowledge. Early in the process the City should assemble a staff steering committee, which includes members from the Planning, Inspectional Services, Law Departments and the Clerk’s Office to guide and review the consultant’s work. At the same time, a citizens’ committee should be formed with talented residents and stakeholders to advise the Planning Department on the draft ordinance proposals in progress and to advocate for zoning reform in public forums.

<sup>4</sup> See the ZRG website, <http://newtonma.gov/Planning/zoning-reform-group.htm>, for more information about the alternatives approaches to reform that the ZRG considered.

## 1. RE-ORGANIZATION

Phase 1 involves reorganizing the existing ordinance: clarifying areas of confusion, such as by adding graphics, tables, and an index and resolving errors and conflicting or confusing language. The ZRG recommends that this process be undertaken with the assistance of a consultant, selected after a competitive request for proposal (RFP) process, to provide specialized technical skills, time, and expertise. Based on the ZRG's research, this phase will take approximately one year (including drafting an RFP, selection of a consultant, drafting and feedback on revision, and discussion prior to adoption).

Consultant services for this phase are estimated to cost approximately \$40,000-50,000. Dedicated staff time will be required to manage the project during Phase 1, to coordinate with other staff and the Board, organize community meetings, and provide feedback on consultant work. In the process of addressing organizational changes, contradictions or confusing language may be uncovered that may require minor policy decisions to clarify. The consultant would work with City staff to develop policy recommendations for consideration by the Zoning and Planning Committee. Reorganization would likely include a new digital format, which would expand the accessibility of the Ordinance over the web.

A staff Project Manager will be identified as the key contact for coordinating with the consultant, and a staff Project Team with representatives from the Planning, Inspectional Services, and Law Departments and the Clerk's Office will review interim updates and respond to consultant questions. Simultaneous with the drafting and development of the Phase 1 amendment, the Planning Department, the ZRG, and interested citizens would engage in coordinated community outreach to build interest and support for zoning reform. This public outreach will include zoning education and developing public broad interest in the policy decisions to take place in Phase 2.

## 2. COMPREHENSIVE REWRITE

Phase 2 involves a comprehensive rewrite of Newton's Zoning Ordinance and amendments to the Zoning Map in order to facilitate the goals articulated in the Themes section, above. The ZRG recommends investing in the services of a zoning consultant or consultant team to provide specialized expertise, an outside perspective, and dedicated personnel. The consultant(s) would work with City staff, members of the Board of Aldermen, and the community to develop policy tools for addressing the eleven themes discussed above.

Careful project management at every step of the process will ensure that the City is paying for services that lead to appropriate improvements on our current Zoning Ordinance, not a one-size-fits-all revision produced in isolation. In addition to providing a technical audit of Newton's existing Zoning Ordinance and how it could better achieve the goals in the themes above, the consultants will work with City staff to engage the community in a process that builds off the *Comprehensive Plan* to identify what people really want in their neighborhoods. The consultant will then research and draft alternative zoning approaches for achieving these desired outcomes, create illustrations, graphics, and tables, and work with City staff, the Board of Aldermen, and the community to review and vet the policy options. Particular skill sets, such as running community design workshops (charettes), graphic illustration, and public opinion research, would complement the expertise of the City's staff, while a consultant's professional team would bring more dedicated capacity to speed the analysis, drafting, and review process.

Based on the ZRG's research, this process will likely take approximately 2½ years including a two-stage RFQ/RFP consultant selection process, research and public outreach, drafting of revision and feedback, and

discussion and public hearings prior to adoption. Consultant services for this phase are estimated to be \$200,000 to 250,000.

Dedicated staff time is needed to manage the project during Phase 2, which includes, but is not limited to coordinating with the consultant, other staff, and the Board, organizing community meetings, and providing feedback on consultant work. A staff Project Manager will be identified as the key contact for coordinating with the consultant, and a staff Project Team with representatives from the Planning, Inspectional Services, and Law Departments and the Clerk's Office will review interim updates and respond to consultant questions. A citizens' advisory group would provide essential input into the process of zoning reform and community engagement and aid staff by carefully reviewing the proposed regulations as they are drafted.

### **3. ONE-YEAR REVIEW**

After completing and adopting a new Zoning Ordinance, the ZRG recommends a one-year period of intensive review, considering both quantitative data and anecdotal experience with the new Ordinance. The Zoning and Planning Committee might use this time to work on long-term planning issues for Newton or issues that were set aside during Phase 2. At the end of this year, the Zoning and Planning Committee would review how the Ordinance is working and suggest any adjustments that are necessary in a coordinated fashion to preserve the clarity and consistency of the Ordinance.

The ZRG recommends that after this one-year review, the Zoning and Planning Committee take a similar, "scheduled maintenance" approach to future ordinance revisions. Under a scheduled maintenance approach, zoning changes would be actively considered throughout the year and organized into comprehensive packages of amendments to be voted on annually or biannually.

## **V. WRITING AN RFQ/RFP FOR CONSULTING SERVICES**

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The Zoning Reform Group recommends that the City hire one or more planning consulting firms to assist in Phases 1 and 2 of the zoning reform process. The ZRG has studied the range of planning consultant services and considered Requests for Proposals used by other municipalities to hire consultants. In particular, the ZRG has noted the potential for consultant teams to provide a range of specialized services that can best complement the City's resources with new capabilities (for example, graphic design or scientific polling and surveying). There are two main ways to advertise for consultant services: the Request for Proposals (RFP) and the Request for Qualifications (RFQ). An RFP presents a detailed scope of work and requires a more lengthy detailed response from a consultant. An RFQ, in contrast, asks for statements of interest, experience, qualifications, and design approach from the widest range of firms and involves shorter responses.

The ZRG recommends, as a first step, drafting an RFP in the spring of 2012 to hire a consulting firm to guide the Phase 1 reorganization. A request for proposals is appropriate for this phase as the City has defined a narrow and specific scope of services.

Phase 2 is a more complicated process where the City should actively seek out creative or innovative approaches to achieving the goals rather than narrowly specifying the services required. The ZRG recommends a two-step process for selecting consultant services for Phase 2. The first step should be issuing an RFQ. As Phase 2 is a more open-ended zoning reform project, an RFQ will allow consultants freedom to suggest the best and most

creative approaches to addressing the City's zoning reform needs. The best ideas from the responses to the RFQs would be used to craft a more detailed RFP to select the final consultant.

The Director of the Planning and Development Department should direct the writing and review of RFPs/RFQs for consultants in consultation with the Board of Aldermen and the Purchasing Department.

## **VI. RESOURCES**

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The ZRG's recommended zoning reform approach would require a budget of approximately \$100,000 a year over three years for consultant services, plus additional dedicated staff support.

- Consultant Services for Phase 1: \$40,000 - 50,000 starting July 1, 2012 (estimated 6 months)
- Consultant Services for Phase 2: \$200,000 - \$250,000 starting July 1, 2013 (over 2½ years)
- Additional staff support for three years beginning July 1, 2012

The Zoning Reform group recommends that the City provide the required funds for the Phase 1 Reorganization in the Fiscal Year 2012 budget to allow work to commence as soon as possible. The ZRG timeline recommends beginning Phase 2 at the end of 2012 with the drafting of an RFQ and the retention of (a) consultant(s) by the end of Fiscal Year 2012, with work beginning in the summer of 2013.

Zoning reform will result in substantial net benefits for the City, including more efficient use of staff time, increased permit fees from rejuvenating commercial areas, an expanded commercial tax base, and reduced costs of professional services for citizens seeking zoning interpretations or reviews.

Recent budget cuts at the state and federal levels have reduced the availability of planning-related grant funding, even as the demand from local governments continues to rise. Recognizing the immediate importance of zoning reform and the uncertainty and difficulty inherent in applying for outside grant funding, the ZRG recommends that the City budget appropriate funds rather than seeking state or federal grants.

## **VII. CONCLUSIONS**

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Zoning reform is essential to our ability to achieve the Newton we want and should be undertaken immediately. Zoning reform will require an investment of capital and personnel, but the return on investment will be great. A reorganized, easier-to-interpret ordinance that better addresses the needs of modern homeowners and businesses will save significant Planning and ISD staff time, reduce the delays created by complex interpretations and reviews, lower the cost to citizens who hire attorneys to manage special permits, and encourage the economic development that Newton needs, while discouraging the development that Newton does not want. Change is certain. Through zoning reform Newton can guide it in a positive direction.