



# Zoning & Planning Committee Agenda

## City of Newton In City Council

Monday, April 11, 2016

7:00PM – Room 211 - Note Early Start Time

7:45PM – Room 205

### Items Scheduled for Discussion:

*The Zoning & Planning and Finance Committees will meet jointly on this item:*

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

**#125-16** **Community Preservation Committee funding for Allen House**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million dollars (\$2,000,000) from the Community Preservation Fund to the Planning & Development Department, for a grant to the Newton Cultural Alliance, for the historic rehabilitation of the Nathaniel Allen House (35 Webster Street, West Newton) as a community cultural center, as described in the proposal submitted to the Community Preservation Committee in February 2016. [03/16/16 @ 12:46 PM]

**#103-16** **Petition to rezone lots on Glen Avenue from MR1 to SR2**  
COUNCILORS DANBERG, BLAZAR, SCHWARTZ, SANGIOLO AND YATES petitioning to rezone land known as Section 61, Block 39, Lots 01, 02, 03 and 04 located at 41, 45, 47 and 51 Glen Avenue from MULTI RESIDENCE 1 to SINGLE RESIDENCE 2 [03/17/16 @ 1:50 PM]

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

**#115-16** **Funding for Zoning Reform Phase 2**  
HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty five thousand dollars (\$125,000) from Free Cash and authorization to transfer the sum of two hundred thousand dollars (\$200,000) from the Planning Department's Full-time Salaries Account to the Planning Department's Consultants Account for the purpose of funding Zoning Reform Phase 2. [03/15/16 @ 4:52 PM]

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

- #22-16      Resolution requesting appropriate training of Fair Housing laws**  
COUNCILOR HESS-MAHAN proposing a RESOLUTION to the Mayor and City Council requesting that all members of municipal public bodies that have decision-making authority or an advisory role with respect to land use, zoning or housing issues be required to receive appropriate orientation or training concerning applicable rights and obligations under Fair Housing laws and regulations. [02/07/16 @ 3:01 PM]
- #55-16      Ordinance to require fair housing statement and HUD logo on certain meeting notices**  
COUNCILOR HESS-MAHAN requesting an ordinance to require that all notices of public hearings and/or meetings concerning permitting and/or funding of any residential development contain a brief statement concerning the City's policy regarding fair housing practices pertaining thereto and HUD's Equal Housing Opportunity logo. [02/03/16 @ 1:51 PM]

**Items Not Scheduled for Discussion at this meeting:**

- #122-16      Discussion with ISD re procedures to protect abutters during demo projects**  
COUNCILORS NORTON AND AUCHINCLOSS requesting discussion with the Inspectional Services Department relative to the City's procedures to protect abutters during demolition projects and whether Newton is requiring developers to take sufficient steps. [03/25/16 @ 12:07 PM]
- #121-16      Filing Annual Report of the Economic Development Commission**  
ECONOMIC DEVELOPMENT COMMISSION submitting its 2015 annual report as required by City of Newton Ordinances, **Chapter 22, Section 95**. [03/25/16 @ 2:56 PM]
- #278-14(2)      Zoning amendment to clarify definition of two-family detached dwelling**  
COUNCILOR HESS-MAHAN requesting an amendment to clarify the intent of **Chapter 30 Section 1.5.1.B** definition of Two-Family Detached Dwelling. [03/31/16 @ 11:00 AM]
- #110-15      Discussion of the Smart Growth Zoning Overlay District Act in Newton**  
HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton. [04/24/15 @ 2:38 PM]
- #54-16      Zoning ordinance amendment relative to Health Club use**  
ACTING DIRECTOR OF PLANNING proposing amendments to the Newton Zoning Ordinance to allow the "Health Club" use in Business 1, Business 2 and Business 4

districts; and to clarify the definition of “Personal Service” as it relates to health and fitness uses. [02/09/16 @ 4:24 PM]

**ITEM SPLIT INTO PART A AND PART B:**

**PART A – To allow Health Club use in BU1, BU2 and BU4;**

**PART B – To clarify the definition of Personal Services as it relates to health and fitness issues.**

**Approved Part A 6-0**

**Held Part B 6-0**

- #109-15**      **Zoning amendment for inclusionary housing provisions from 15% to 20%**  
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households. [04/24/15 @ 2:38 PM]
- #108-15**      **Zoning amendment for accessory apartments supportive of seniors**  
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton’s seniors. [04/24/15 @ 2:38 PM]
- #164-09(2)**    **Request for amendments to dimensional requirements for accessory apartments**  
ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.
- #61-10**        **Discussion relative to bringing existing accessory apartment into compliance**  
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.
- #64-13**        **Permitting for conversion of historic barns/carriage houses to accessory apts**  
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.
- #80-13**        **Updates on the zoning reform project**  
THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

- #323-14**      **Zoning amendment to require front-facing front doors in residential zones**  
ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend **Chapter 30** to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42 AM]
- #265-14**      **Request to increase several time periods for demolition delays**  
ALD. BLAZAR, YATES AND DANBERG requesting:
1. to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days;
  2. to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a historically significant building or structure is preferably preserved to 60 days;
  3. to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months;
  1. and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months. [7/07/14 @ 12:35 PM]
- #447-14**      **Proposing an ordinance to require building plans with demolition applications**  
ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03 PM]
- #169-15**      **Zoning amendment to require new lot standards after demolition**  
ALD. SANGIOLO requesting a zoning amendment which would require any residential structures in Single Residence or Multi Residence zoning districts built after the demolition of an existing structure conform to new lot standards. [07/02/15 @ 3:20 PM]
- #264-13**      **Zoning amendment to develop residential districts for small lots**  
ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances **Chapter 30** to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/15/13 @ 12:28 PM]
- #34-16**      **Zoning amendment for large house review process**  
COUNCILORS SANGIOLO, KALIS AND DANBERG proposing an amendment to Chapter 30 for a large house review ordinance requiring design review and approval of by-

right single and multi-residence residential structures exceeding certain dimensional limits. [01/19/16 @ 2:35 PM]

- #142-09(7) Resolution to reconvene Floor Area Ratio working group**  
ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City’s Comprehensive Plan.
- #238-14 Request for development of Housing Production Plan**  
ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55 AM]
- #445-14 Update from Newton Fair Housing Committee on housing opportunities**  
ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton. [11/13/14 @ 2:03 PM]
- #170-15 Discussion of HUD settlement relative to creating 9-12 affordable units**  
ALD. HESS-MAHAN, JOHNSON, CROSSLEY AND ALBRIGHT requesting a discussion relative to the HUD Settlement with Supporters of Engine 6, the Fair Housing Center of Greater Boston and the Disability Law Center in conjunction with the Law and Planning Departments, to explain the settlement and possible implications for the Zoning Board of Appeals and the Board of Aldermen in terms of the City’s obligation to identify sites and facilitate the creation of, and issue permits for, affordable housing for 9-12 chronically homeless persons in Newton. [07/06/15 @ 4:18 PM]
- #22-15 Zoning amendment to allow rental voucher program re: inclusionary zoning**  
ALD. YATES requesting that utilization of the Massachusetts Rental Voucher Program be added as an allowable means of complying with the inclusionary zoning provision in Phase II of Zoning Reform. [01/05/15 @ 9:53 PM]

**Referred to Zoning & Planning, Land Use and Finance Committees**

- #104-15**      **Qualification of affordable units on Comm Ave, Pearl and Eddy Streets**  
ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department with the following information: How many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify to be included on the State’s Subsidized Housing Inventory List. If a property is not currently on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]
- #107-15**      **Discussion of middle income housing supportive of City employees**  
HIS HONOR THE MAYOR requesting discussion of approaches to create middle income housing as a means of allowing City of Newton employees the opportunity to live in the community in which they work. [04/24/15 @ 2:38 PM]
- #81-13**        **Request for naturally affordable compact housing opportunities**  
DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #86-15**        **Discussion and review of CDBG fund expenditures and citywide goals**  
ALD. CROSSLEY, ALBRIGHT, HESS-MAHAN, & JOHNSON requesting a review and discussion of Community Development Block Grant expenditures and past years’ accounting to assess progress in meeting citywide program goals as adopted in the consolidated plan, including creating and sustaining affordable housing, as well as facilities improvements in approved neighborhood districts. [03/30/15 @ 6:02 PM]
- #427-13**      **Discussion of CDBG, HOME and ESG funds and fair housing**  
ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]
- #308-12**      **Discussion of policies relative to CDBG fund expenditures**  
ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor’s office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]

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

- #315-14**      **Ordinance amendment for procurement requirements for non-profits**  
ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order

to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them.

[08/04/14 @ 5:08 PM] Finance voted NAN

- #446-14**      **Discussion with Commission on Disability regarding the City's ADA compliance**  
ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03 PM]
- #140-14**      **Zoning amendment for lodging house ordinance**  
ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements. [04/04/14 @ 6:29 PM]
- #429-13**      **Zoning amendment for Congregate Living Facility parking requirements**  
ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances **Section 30-1**, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #35-16**      **Creation of policy to require posting of materials of boards/commissions**  
COUNCILOR SANGIOLO requesting a discussion with the Planning Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and posting of same to the City's website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member. [01/19/16 @ 2:35 PM]
- #129-13**      **Zoning amendment for special permits for attached dwellings**  
ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for "attached dwellings" in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #65-13**      **Zoning amendment to require special permit for major topographic changes**  
ALD. YATES, FISCHMAN, KALIS requesting that **Chapter 30** be amended to require a special permit for major topographic changes.]

- #139-14 Zoning amendment to clarify rules for retaining walls**  
ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls.
- #391-09 Zoning amendment to allow payments-in-lieu of parking spaces: special permits**  
ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to **§30-19** to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.  
[09/09/09 @ 3:53 PM]
- #152-10 Zoning amendment to clarify parking requirements for colleges and universities**  
ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.
- #153-11 Zoning amendment for Retail Overlay Districts around village centers**  
ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that **Chapter 30** be amended by adding a new **Sec. 30-14** creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.
- #168-15 Discussion of Metropolitan Area Planning Council's Wells Avenue Market Study**  
THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study.  
[07/06/15 @ 5:34 PM]
- #95-15 Discussion to consider mix of uses at Wells Avenue Office Park**  
ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment. [04/13/15 @ 2:46 PM]
- Referred to Finance and Appropriate Committees**
- #288-15 Submittal by the Mayor of the FY17 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]



**Referred to Zoning & Planning, Land Use and Finance Committees**

- #273-12**      **Request to restructure and increase of fees for various permits**  
ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]  
Finance and Land Use voted NAN

**Referred to Finance and Appropriate Committees**

- #257-12**      **Review of fees in Chapter 17 and Chapter 20**  
RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates. Finance voted NAN
- #195-15(3)**      **Request to acquire land at 300 Hammond Pond Parkway**  
ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES 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]
- #404-13**      **Request for rezoning in Newton Centre**  
NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:  
Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A.

**Respectfully Submitted,**

**Ted Hess-Mahan, Chair**



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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#125-16

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James Freas,  
Acting Director

**Community Preservation Committee  
Funding Recommendation for  
ALLEN HOUSE Phase 2, Additional Rehabilitation**

date: 4 April 2015  
from: Community Preservation Committee  
to: The Honorable City Council

**PROJECT GOALS & ELIGIBILITY**

This project will substantially complete the Newton Cultural Alliance's (NCA) plan to preserve and rehabilitate the historic Nathaniel Allen House (35 Webster Street, West Newton) for use as a community cultural center, as revised from the initial plan submitted to the CPC in November 2013. The rehabilitated building will provide offices, meeting rooms, and classrooms for nonprofit arts groups, as well as event spaces for recitals, lectures, poetry readings, theater performances and other community gatherings.

The Allen House's 1977 listing on the National Register of Historic Places and its 1998 local designation as a Newton historic landmark both make it eligible for CPA funding. In addition, the Massachusetts Historical Commission's acceptance of NCA's initial applications for historic tax credits confirmed that the project's treatment plan complies with the federal historic rehabilitation standards required by the state CPA statute.

**RECOMMENDED FUNDING**

On 10 March 2016 by a vote of 8-0 (member Don Fishman absent) the Community Preservation Committee recommended appropriating \$2,000,000 for this project from the Community Preservation Fund's historic and general fund balances and reserves to the control of the Planning & Development Department, for a grant to the Newton Cultural Alliance for all purposes included implicitly in the summary budget below. The CPC's recommended conditions for the phased release of these funds are listed on the following page.

<b>Allen House: Uses of Funds</b>		<i>% of Total Project</i>
<b>PHASE 1 TOTAL COSTS</b> (incl. acquisition of 35 Webster Street)	<b>\$1,204,000</b>	<b>20.4%</b>
<b>PHASE 2</b>		
Hard Costs (Construction)	\$4,006,000	67.9%
Soft Costs (Architecture, Engineering, Finance, Insurance, Utilities, etc.)	\$690,000	11.7%
<b>PHASE 2 TOTAL COSTS</b>	<b>\$4,696,000</b>	<b>79.6%</b>
<b>TOTAL USES of FUNDS, PHASES 1 - 2</b>	<b>\$5,900,000</b>	<b>100.0%</b>
<b>Allen House: Sources of Funds</b>		
CPA - appropriated 2014, applied to Phase 1	\$300,000	5.1%
CPA - recommended, for Phase 2	\$2,000,000	33.9%
Bank Debt: 35 Webster Street	\$750,000	12.7%
Mass. Cultural Council	\$600,000	10.2%
Private Donations to Date	\$550,000	} 21.2%
Foundations / Capital Campaign (quiet phase spring 2016)	\$700,000	
Historic Credits in Basis	\$1,000,000	16.9%
<b>TOTAL SOURCES of FUNDS, PHASES 1 - 2</b>	<b>\$5,900,000</b>	<b>100.0%</b>

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

## SPECIAL ISSUES CONSIDERED BY THE CPC

**Funding Leverage:** The budget submitted with the 2016 proposal shows CPA as less than 40 percent of this project's total funding. As it did in 2014, the CPC considers this high leverage for CPA funds appropriate for a privately owned building, even one that will benefit multiple community organizations and the community at large. The CPC also recognizes that an early and substantial commitment of CPA funds is critical for raising funds from other sources. To minimize the risks of that commitment, yet allow the building to begin generating revenue as soon as possible, the CPC recommends phasing the release of CPA funds.

**Development & Operating Budgets:** In 2013-14, the CPC was concerned that NCA's construction budget for Allen House was based only on preliminary designs, and that its projected 10-year operating budget omitted some foreseeable future costs. The CPC considers the revised, 2016 versions of both budgets credible. The 2016 construction budget now reflects lessons learned from the project's phase 1 and 50% construction drawings, revised to support significantly different uses than those envisioned in 2013. NCA also has contingency plans to phase the work if it takes longer than anticipated to raise all required construction funding. The 2016 operating budget, created in collaboration with an independent consultant (SOAR 55), uses conservative revenue assumptions and includes previously omitted costs, such as a replacement reserve. Finally, the CPC recognizes that inadequate maintenance was a key reason why Newton's past investment of its public funds (primarily CDBG) in Allen House fell short of truly preserving this historic building. The CPC therefore supports NCA's plan to charge for community use of the building, while also encouraging such use.

## ADDITIONAL RECOMMENDATIONS *(funding conditions)*

1. **Deadlines:** All recommended funds will be appropriated within 6 months, and the project will be completed within 36 months, after the date of this recommendation. If either deadline cannot be met, the Newton Cultural Alliance should submit to the CPC a written request for that deadline's extension.
2. **Grant agreement & release of CPA funds:** CPA funding for the project will be governed by a written grant agreement that includes but is not limited to the following conditions, with the understanding that the project will raise required non-CPA funds from sources other than Newton-controlled public funds:
  - ◆ initial 30% of CPA grant (\$600,000) – to be released upon recording an expanded historic preservation restriction and meeting the other conditions usual for CPA-funded private construction projects (City-approved procurement process, final construction contract, building permit, etc.)
  - ◆ second 30% of CPA grant (\$600,000) – to be released upon state allocation of all historic tax credits listed in the proposal budget (\$1 million basis) and commitment of an additional \$600,00 in non-CPA funds
  - ◆ third 30% of CPA grant (\$600,000) – to be released when the capital campaign has raised an additional \$700,000 in non-CPA funds, anticipated but not required to come from private foundations and individuals
  - ◆ final 10% of CPA grant – to be released upon receipt of a written and in-person final report to the CPC, including a summary of project results and a budget-to-actual comparison of project costs
  - ◆ City approval required for any future significant changes in the building's ownership or use, and the option to require repayment of CPA funds under specified conditions (for example, if the building is sold for market-rate commercial or residential uses)
3. **Return of unspent CPA funds:** 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

- ◆ the project meets conditions 1 and 2 above
- ◆ NCA's long-term management preserves the building's historic features, which were the basis of the project's CPA funding and historic tax credits, without additional public funding

*Attachments listed on next page.*

**ATTACHMENTS**

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

- ◆ Detail for budgeted uses (backup for budget on p. 1 of this recommendation)
- ◆ CPC webpage for this project, listing information available online that has been omitted from this packet:  
[www.newtonma.gov/gov/planning/cpa/projects/allen.asp](http://www.newtonma.gov/gov/planning/cpa/projects/allen.asp)
- ◆ Proposal and selected supporting documents submitted to the CPC

Last updated A. Ingerson 4 April 2016

<b>Allen House Phase 2: Additional Rehabilitation Budget Summary for CPC Funding Recommendation</b>		<i>February 2016 Budget</i>	<i>% of Total Project</i>
<b>Uses of Funds</b>			
<b>PHASE 1 - Completed</b>			
Acquisition and closing costs: 35 Webster Street		\$ 250,000	4.2%
Design		\$ 196,000	
Construction		\$ 440,000	
Other: legal, insurance, site costs, finance		\$ 318,000	
PHASE 1 TOTAL COSTS		\$ 1,204,000	20.4%
<b>PHASE 2</b>			
<b>HARD COSTS (CONSTRUCTION)</b>			
General Conditions, Specialties & Equipment		\$ 771,100	
Masonry, Concrete, Metals		\$ 237,000	
Owner-supplied materials		\$ 80,000	
Carpentry & Millwork, Doors & Windows, Envelope - Roofing &		\$ 779,600	
Plaster, Painting, Flooring (primarily in parts of the building excluded from Junior League Show House)		\$ 381,100	
Mechanical & HVAC (after deducting \$150k incentives for geothermal), Plumbing, Electrical, Fire Alarm & Suppression		\$ 1,038,200	
Elevator		\$ 75,000	
Site Costs		\$ 480,000	
Construction Contingency (3% of Phase 2 Hard Costs, 3.5% of Phase 2 Total Costs)		\$ 164,000	2.8%
Phase 2 Total Hard Costs		\$ 4,006,000	67.9%
<b>SOFT COSTS</b>			
Architecture & Engineering		\$ 330,000	5.6%
Finance Expenses, Debt Service Reserve, Insurance, Utilities		\$ 160,000	5.6%
Developer Fee (for professional project manager/owner's rep. and capital campaign staff support hours, also at risk for any costs that exceed budget)		\$ 200,000	3.4%
Phase 2 Total Soft Costs		\$ 690,000	11.7%
PHASE 2 TOTAL COSTS		\$ 4,696,000	79.6%
<b>TOTAL USES of FUNDS, PHASES 1 - 2</b>		<b>\$ 5,900,000</b>	<b>100.0%</b>
<b>Sources of Funds</b>			
CPA - Appropriated 2014 for Phase 1, Completed		\$ 300,000	5.1%
CPA - Recommended 2016 for Phase 2		\$ 2,000,000	33.9%
Bank Debt: 35 Webster Street		\$ 750,000	12.7%
Historic Credits in Basis		\$ 1,000,000	16.9%
Mass. Cultural Council		\$ 600,000	10.2%
NCA - Private Donations Raised Prior to February 2016 Proposal to CPC		\$ 550,000	} 21.2%
Private Foundations / Capital Campaign (additional private funds to be		\$ 700,000	
<b>TOTAL SOURCES of FUNDS, PHASES 1 - 2</b>		<b>\$ 5,900,000</b>	<b>100.0%</b>

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

## Nathaniel Allen House

---

35 Webster Street, West Newton, MA 02465

### goals:

Rehabilitate the pre-Civil War home of renowned educator Nathaniel Topliff Allen, later used as a school run by his daughters, for use as a music school and cultural center, with rehearsal, performance and office spaces for arts and cultural organizations; public indoor and outdoor spaces; and a rotating exhibit on the history of this Newton Historic Landmark.

### funding: (most recently updated 11 February 2016)

\$300,000	CPA funds appropriated (historic resources)
\$2,000,000	additional CPA request
\$700,000	capital campaign (to be raised)
\$750,000	bank line of credit
\$1,150,000	additional donations & grants (primarily Massachusetts Cultural Council)
\$1,000,000	Massachusetts historic tax credits (basis)
\$5,900,000	TOTAL PROJECT COST

### contacts:

- Adrienne Hartzell, Managing Director  
Newton Cultural Alliance (NCA)  
1301 Centre Street  
Newton Centre, MA 02459  
[www.newtonculture.org](http://www.newtonculture.org)  
email: [Adrienne@newtonculture.org](mailto:Adrienne@newtonculture.org) or  
[Adrienne@newphil.org](mailto:Adrienne@newphil.org)  
phone: 617.332.4300 or 857.636.0199
- Laurel Farnsworth, NCA Board Member  
73 Perkins Street  
West Newton, MA 02465  
email: [laurel@downeyfarnsworth.com](mailto:laurel@downeyfarnsworth.com)  
phone: 617.244.2209 or 617.429.7297  
Proposal Review & Appropriations

## Proposal Review & Appropriations - **Scroll down to 2016 for CURRENT PROPOSAL.**

### 2013

15 November 2013 - **full proposal**, including the following sections posted separately:

- **cover letter, project summary & finances** (project and organizational budgets)
- **site photos & maps**
- **project management team qualifications, letters of support**
- **historic significance, features & treatment plan**
- **current conditions - photos** (keyed to historic treatment plan above) *This long file may load slowly for on-screen reading; may be faster to download and read offline.*
- **deed, appraisal, preservation restriction(s)**
- **construction scope of work & costs**

- **City of Newton reviews:** zoning & permitting, Newton Historical Commission project plans  
**project plans:** *These files may load slowly for online reading; it may be faster to download them for reading offline. For reading on a computer, set display to 100% or larger. Many of these files are sized for 24x36 inch paper; details may be hard to read if printed at smaller sizes.*
- **site and landscape plans**
- **floor plans, part a** and **floor plans, part b**
- **elevations, part a** and **elevations, part b**
- **building cross-sections**

## 2014

- 9 January 2014 - **public presentation**, including (photos, selected plans from those above, budget overview)
- 29 July 2014 - **partial occupancy proposal** (phase 1 of the full project), including: scope of work, development budget, non-CPA funding to date, one-year operating budget, anticipated funding sources, uses & phasing for full project
- 2 September 2014 - update on NCA acquisition of abutting property at **406 Cherry Street, West Newton**
- 2 September 2014 - **CPC funding recommendation**, including: summary of sources & uses for all non-CPA funding to date; anticipated funding sources; uses & phasing for full project summaries in support of funding recommendation:
- **all written public comments received to date**, including letters of support submitted with November 2013 proposal above
- 6 October 2014 - **Board order** (appropriation of recommended funds)

## 2015-2016

- 9-11 June 2015 – for **partial occupancy (phase 1)**:
- **final report to the CPC**
  - **update on NCA plans for next phase of CPA funding**

## CURRENT PROPOSAL BEGINS HERE

- 11 February 2016 - for **additional rehabilitation (phase 2)**:
- **full proposal**, with project summary, project budgets, changes to plans since 2013 submission, project team qualifications, project sponsor financials, etc.
  - **photos & maps**
  - **plans, condensed** *May load slowly for on-screen reading; may be faster to download and read offline.*
  - **plans, full size** *Extremely large file -- download for reading offline. For reading on a computer, set display to 100% or larger. Sized for 24x36 inch paper; details may be hard to read if viewed or printed at smaller sizes.*
- 8 March 2016 - **League of Women Voters comments on proposal**
- 10 March 2016 - **CPC public hearing presentation**
- 4 April 2016 - **CPC funding recommendation**

## Project Background & News

### 1970s - 1990s

July 1977 - successful nomination of this property to the **National Register of Historic Places**

January 1978 - **Massachusetts Historical Commission Historic Property Survey** of this property

November 1980 - **preservation restriction** held jointly by the Massachusetts Historical Commission and the City of Newton

1980s - photos & documents from community and City efforts to preserve this property, online from the Newton Free Library, <http://guides.newtonfreelibrary.net/digitalnewton>.

- Click on these tabs in this order: Photographs >> Assorted Images >> Buildings >> Allen House Photographs.

1997-98 - This property was **declared a City of Newton Landmark on 5 March 1998**.

- For the 1997 study leading to this decision, scroll down to "35 Webster Street" on this page: <http://www.newtonma.gov/gov/planning/histpres/landmarks.asp>

### 2015

26 January 2015 - Allen House **partial occupancy (phase 1) grant agreement**

11 June 2015 - **final report on partial occupancy (phase 1)**



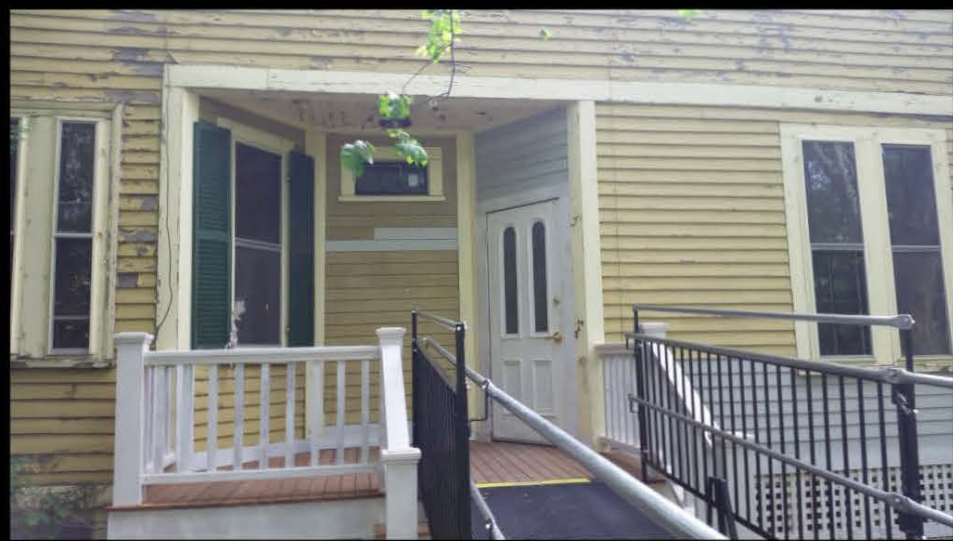
# Nathaniel Allen House



Phase Two - Full Occupancy

Proposal to Community Preservation Committee - 3/10/16

# Phase One Change of Use - Completed



# Junior League of Boston Project



# Exterior Restoration



# Interior Rehabilitation and New Systems

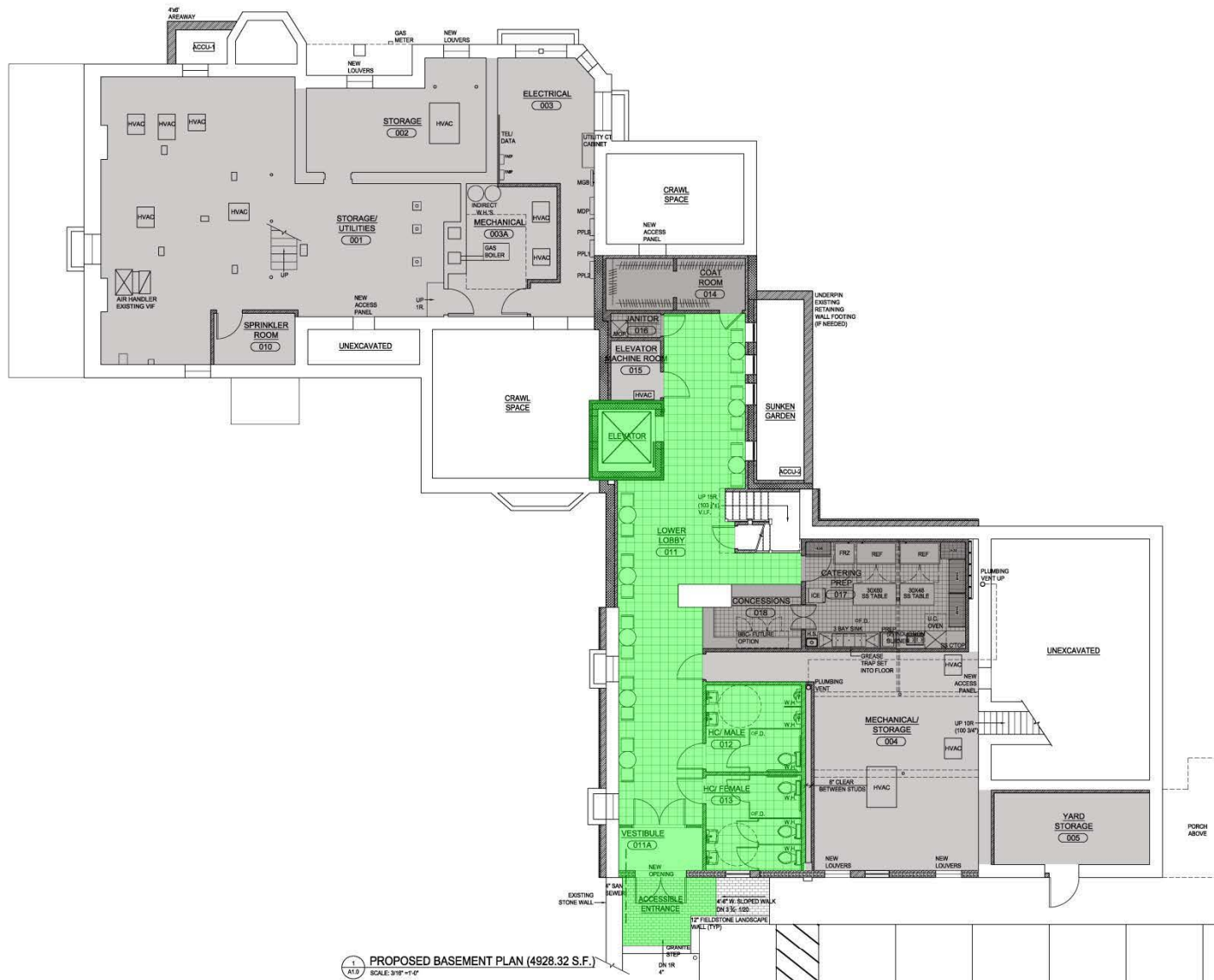


# Site Plan



1 PROPOSED LANDSCAPING PLAN- 26 PARKING SPACES (3 HC SPACES)  
 11.9 SCALE: 1/8" = 1'-0"

# Basement Floor Plan

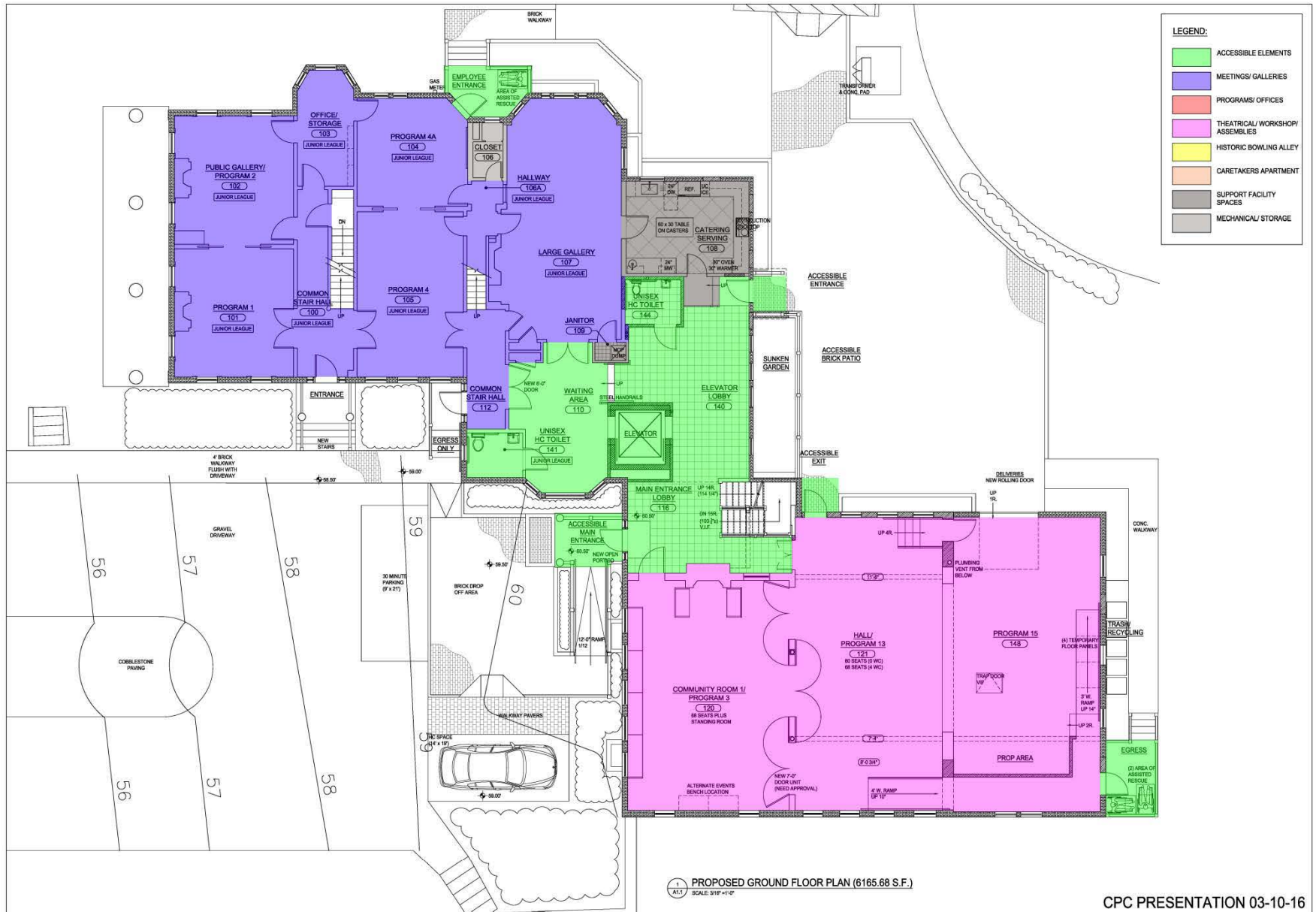


**LEGEND:**

- ACCESSIBLE ELEMENTS
- MEETINGS/ GALLERIES
- PROGRAMS/ OFFICES
- THEATRICAL/ WORKSHOP/ ASSEMBLIES
- HISTORIC BOWLING ALLEY
- CARETAKERS APARTMENT
- SUPPORT FACILITY SPACES
- MECHANICAL STORAGE

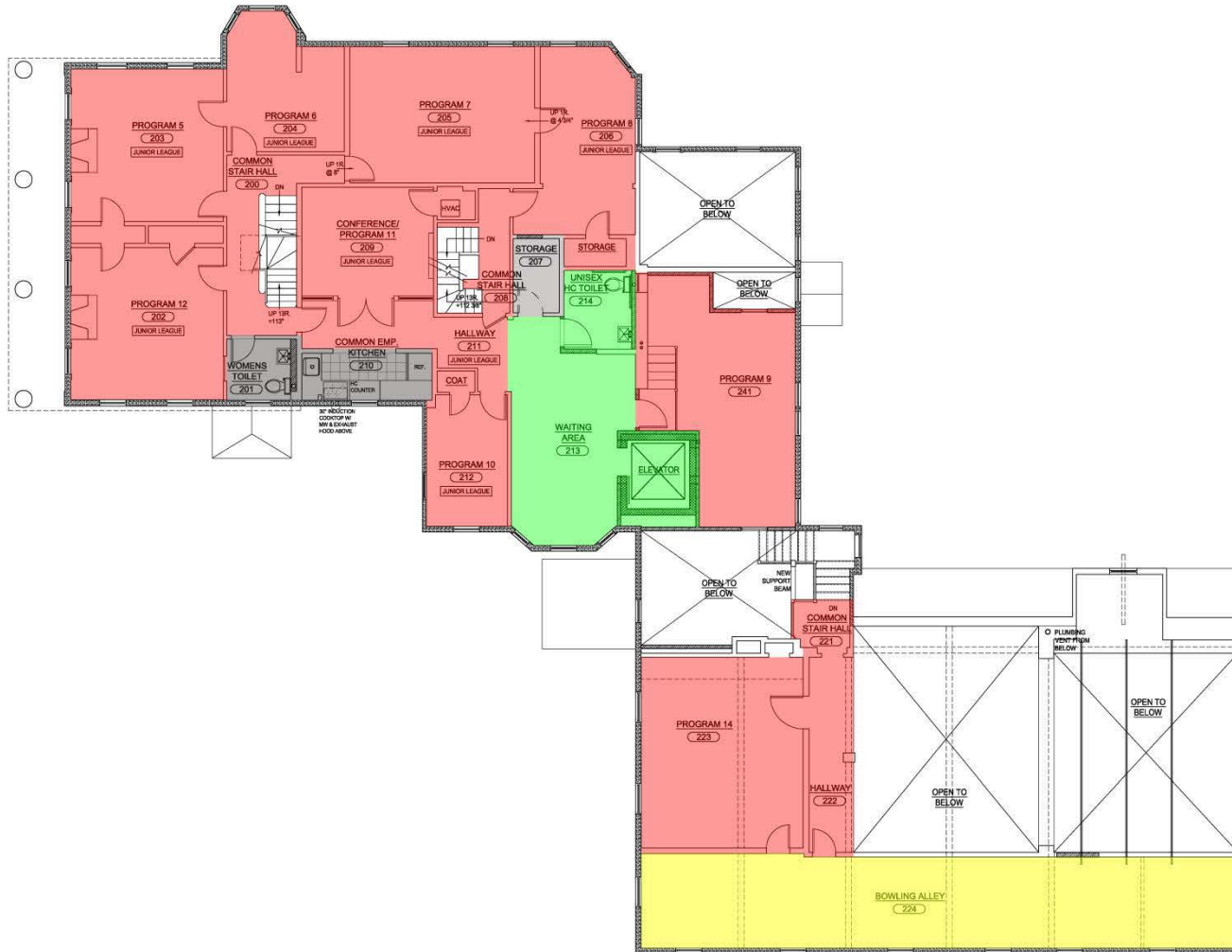
1  
A11  
PROPOSED BASEMENT PLAN (4928.32 S.F.)  
SCALE: 3/16" = 1'-0"

# First Floor Plan





# Second Floor Plan

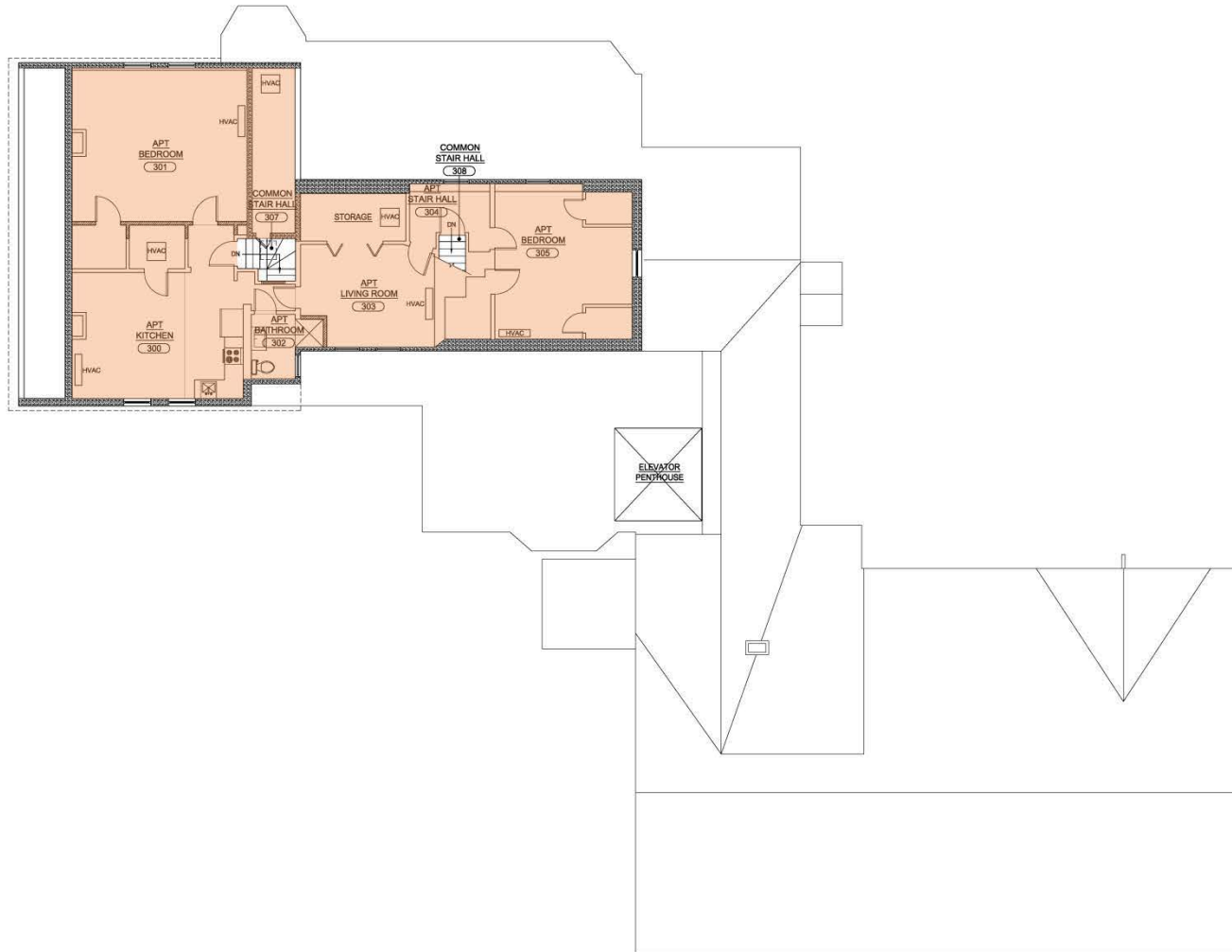


**LEGEND:**

Green	ACCESSIBLE ELEMENTS
Purple	MEETINGS/ GALLERIES
Red	PROGRAMS/ OFFICES
Pink	THEATRICAL/ WORKSHOP/ ASSEMBLIES
Yellow	HISTORIC BOWLING ALLEY
Light Orange	CARETAKERS APARTMENT
Grey	SUPPORT FACILITY SPACES
Dark Grey	MECHANICAL STORAGE

1 PROPOSED SECOND FLOOR PLAN (4600.35 S.F. - EXCLUDING OPEN AREA)  
 A17 SCALE: 3/16" = 1'-0"

# Third Floor Plan



**LEGEND:**

Green square	ACCESSIBLE ELEMENTS
Purple square	MEETINGS/ GALLERIES
Red square	PROGRAMS/ OFFICES
Pink square	THEATRICAL/ WORKSHOP/ ASSEMBLIES
Yellow square	HISTORIC BOWLING ALLEY
Orange square	CARETAKERS APARTMENT
Grey square	SUPPORT FACILITY SPACES
Light grey square	MECHANICAL STORAGE

1 PROPOSED THIRD FLOOR PLAN (1582.37 S.F.)  
AT3 SCALE: 3/16"=1'-0"

# Uses of Funds

## SUMMARY CAPITAL/DEVELOPMENT BUDGET

Uses of Funds (revised for consistency with full budget attachment, 1 April 2016)

<b>Acquisition</b> (11/12) purchase price + closing costs	\$250,000
<b>Phase 1 and 1A: Partial Occupancy</b> (design & construction, legal fees, utilities, maintenance)	\$944,000
<b>Phase 2</b> (current request)	
Hard Costs (Construction)	\$4,006,000
including: \$607,700 mechanical (HVAC, utilities, etc.), net of \$150,000 incentives for geothermal energy; \$164,000 contingency	
Soft Costs (Architecture, Engineering, Finance, Insurance, Utilities, etc.)	\$690,000
including: \$65,000 debt service reserve; \$200,000 developer fee	
<b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)	<b>\$5,900,000</b>

# Sources of Funds

Sources of Funds	Status (requested, expected, confirmed)	
<b>Acquisition &amp; Phase 1/1A</b>		
CPA funding	Received (appropriated October 2014)	\$300,000
Village Bank	Received - Line of credit	\$750,000
NCA Donations/foundation	Received to date 2/1/2016	\$550,000
<b>Phase 2 (current request)</b>		
CPA funding	Request Spring 2016	\$2,000,000
MA Historic Tax Credits	Received – not yet used	\$600,000
Mass Cultural Council Cultural	Expected Spring 2016	\$300,000
MA Historic Tax Credits	Spring/Summer 2016, additional applications	\$400,000
Capital Campaign	Begin May 2016	\$700,000
Mass Cultural Council Cultural	Application Fall 2017	\$300,000
<b>E. TOTAL SOURCES (should equal C. on page 1 and D. above)</b>		<b>\$5,900,000</b>

# Summary Annual Operations & Maintenance Budget

## SUMMARY ANNUAL OPERATIONS & MAINTENANCE BUDGET (cannot use CPA funds)

**Uses of Funds** projected for FY 17, first year of occupancy  
See detailed 10-year projection attached.

Annual contracts (maintenance - snow, cleaning, insurance, etc.)	\$24,000
Repairs and maintenance, utilities	\$29,500
Other: Mortgage, permits, property manager, reserve	\$70,250

**F. TOTAL ANNUAL COST** (should equal G. below) **\$123,750**

### Sources of Funds

House office leases	\$61,200
House event rentals	\$41,400
Barn class rentals	\$0
Barn event rentals	\$0
Allen House Friends	\$20,000
Other event fees	\$2,400

**G. TOTAL ANNUAL FUNDING** (should equal F. above) **\$125,000**

February 11, 2016

Community Preservation Committee  
c/o Alice Ingerson, Community Preservation Program Manager  
Newton Planning and Development Department  
City Hall, 1000 Commonwealth Avenue  
Newton, MA 02459

Re: Nathaniel Allen Homestead, 35 Webster Street, West Newton

Dear Alice and Members of the Community Preservation Committee:

This letter is written as the Newton Cultural Alliance (NCA) presents to you our Proposal for additional funding for the Nathaniel Allen Homestead rehabilitation and reuse project at 35 Webster Street in West Newton, as we work to develop this property for community and educational arts and cultural use. The NCA is most grateful to the CPC for your consideration of this application for the Phase II work on this property; a significant part of the historic fabric of the City of Newton.

In addition to the material presented in the application and support materials we want to bring to your attention the following:

**THIS PROPOSAL:** This project, after initially being one request for \$2,000,000, following significant change in our business plan as the major projected tenant circumstance was altered, now has the unusual circumstance of being structured in two phases with a minor delay between phases. This is outlined as follows:

- Phase I, a request for \$300,000 was voted unanimously by the CPC and Board of Aldermen in 2014, to allow us to get a portion of the property open for public use has been completed.
- Minor delay: The Junior League of Boston approached us in the Fall of 2015 about doing a Show House project in the Spring of 2016 in the house ONLY (note barn) – providing both interior finishes - many of which will be left in July 2016 when the Show House ends, and media/public exposure to thousands across New England for the Allen House, NCA and West Newton.
- Phase II, this request for an additional \$2,000,000. This is an overall increase of \$300,000, making our total requests \$2,300,000 due to the increased costs of the project.
- This application for Phase II includes both a project overview with total project numbers as well as Phase II specific numbers.
- The two primary reasons for the budget changes are: 1) increase in construction costs over what they were at the time of the last presentation, 2) the decision, on the advice of several engineering firms, to construct a Geothermal HVAC system on the property as opposed to a more conventional cooling tower/chiller and boiler system. This kind of a system requires a significant extra expense in the beginning but thereafter the costs to run it are relatively minimal. The primary reasons for deciding on this system are: 1) the difficulty in

providing/retrofitting a standard cooling tower type system on this historic property of unusual design, 2) environmental, 3) long term cost savings.

- Not included in the budget figures are in-kind services and materials. The finishes that will be left behind by the Junior League designers and artisans are estimated to be valued at \$200,000. NCA's staff expense on this project is given in-kind, as supported by the NCA board, and valued at roughly \$35,000 per year.

Some additional thoughts:

**CONSTRUCTION DRAWINGS:** In earlier discussions with the CPC we understood that the Committee would like to see 100% Construction drawings for this project. Our architect, Donald Lang of Donald Lang Architects of Waban (dlaboston.com) and George Hu of Air Water Energy Engineers of Waltham (awe-e.com) completed 50% drawings in December 2015 and are well on their way to 100%. At the present time there are 115 drawings in this file. A table of contents of drawings is in the Plans section (5) of the packet. (Drawings available on request.)

**ADJACENT PROPERTY POTENTIAL:** In the Fall of 2014 NCA notified the CPC that an opportunity had arisen for us to acquire the property adjacent to the Allen House, located at 406 Cherry Street. We are now the owners of this property with the hope that one day the two properties may be merged and the Allen House "campus" will expand a bit providing additional program, outdoor and parking space. There is a map included in our materials which shows the logical connection of these two properties.

**10 YEAR OPERATING BUDGET:** The 10 year operating budget provided was prepared following a 6 month project with consultants from SOAR55 working ultimately on a Business Plan for the facility. Most, but not all, of the calculations have been done using simple and conservative escalators. The SOAR55 Executive Summary is included in our supplementary materials. The complete report is available on request.

**HISTORIC RESTRICTION:** The NCA together with architect Donald Lang are working with the Newton Historical Commission, staffed by Katy Holmes, on additional interior restrictions on the property and will appear before the Commission during the Spring of 2016.

We thank you for your consideration of this Proposal. Some of the Committee has toured the building in the past. If anyone would like to visit again to better understand this project please let us know.

Very truly yours,

*Adrienne Hartzell*

Adrienne Hartzell  
Managing Director

Newton Community Preservation Program  
Grant Proposal

Newton Cultural Alliance - Nathaniel Allen Homestead  
February 2016

- 1 APPLICATION**
- 2 PHOTOS and MAPS** Section 2 posted separately on Newton CPC website.
- 3 PROJECT FINANCES**
  - 3a Pro Forma
  - 3b 10 Year Annual Operating Budget
  - 3c Non CPA Funding
  - 3d Purchasing - Summary
  - 3e SOAR55 Documents
- 4 SPONSOR FINANCES and QUALIFICATIONS**
  - 4a Organization Budget, P&L, Balance Sheet
  - 4b Project Manager
- 5 DESIGN and CONSTRUCTION** Sections 5a.1-5 and 5b posted separately on Newton CPC website.
  - 5a
    - 1 Introduction - Notable Changes
    - 2 Proposed Floor Plans and Roof Plan (5)
    - 3 Site/Landscape Plan
    - 4 Elevations
    - 5 50% CD Drawing Lists
    - 6 Cost Estimates This section included with section 4 above on Newton CPC website.
  - 5b Materials and Finishes





## Newton, Massachusetts Community Preservation Program FUNDING REQUEST

PRE-PROPOSAL

PROPOSAL

Form last updated 11 February 2016.

**#125-16**  
 (For staff use)  
 date rec'd:

 10 February  
 2016
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>Nathaniel Allen Homestead, Phase 2</b>			
<b>Project LOCATION</b>	Full street address (with zip code), or other precise location. 35 Webster St. , West Newton, MA 02465			
<b>Project CONTACTS</b>	Name & title or organization	Email	Phone	Mailing address
<b>Project Manager</b>	Adrienne Hartzell Managing Director, Newton Cultural Alliance	adrienne@newtonculture.org	617-969-6442 (h) 857-636-0199 (c)	74 Vista Avenue Auburndale, MA 02466
<b>Other Contacts</b>	Laurel Farnsworth Board Member, Newton Cultural Alliance	df.1876.laurel@gmail.com	617-429-7297 (h) 617-244-2209 (c)	73 Perkins Street West Newton, MA 02465
<b>Project FUNDING</b>	<b>A. CPA funds requested:</b> \$2,000,000 this request	<b>B. Other funds to be used:</b> 1) MA historic tax credits, 2) Private foundation grants, 3) Village Bank line of credit, 4) MA Cultural Council Facilities grant 5) capital campaign, 6) related CPC Phase I grant	<b>C. Total project cost (A+B):</b> \$5,900,000	
<b>Project SUMMARY</b>	Explain as concretely as possible how the project will use the requested CPA funds (use a cover letter rather than this space for general information about the sponsoring organization's accomplishments). You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW.			
<p>The Nathaniel Allen Homestead is on the National Register of Historic Places and a Newton Landmark. Allen was a noted abolitionist and educator whose pioneering of co-education, racial integration and physical education resonates across the country even today. His daughters followed in his footsteps by operating their home as the Misses Allen School in the late 19<sup>th</sup> century. When the building was marketed for redevelopment as private condominiums in 2012, the Newton Cultural Alliance (NCA) was able to purchase it with a \$250,000 private gift on short notice.</p> <p>To develop its plan for the building's adaptive reuse by small Newton arts and cultural nonprofits, NCA has engaged an architect, engineer, attorney, &amp; engineering consultants. Extensive repairs are necessary to create safe, functional offices, meeting rooms, classrooms, and an intimate space for recitals, lectures, poetry readings, small weddings, social events, and other community gatherings. The 1<sup>st</sup> floor parlors and grounds will be fully accessible for public events and the building is ADA compliant.</p> <p>Phase I of the rehabilitation was completed in part with a \$300,000 grant appropriated through unanimous votes of the CPC and the Board of Aldermen in 2013-2014. NCA recently also concluded an agreement for the Junior League of Boston to remodel the interior for its spring 2016 Show House fundraiser, which will bring extensive media and marketing exposure for the house, the NCA, and West Newton.</p> <p>In addition to CPC funding NCA needs \$3,600,000. While NCA has raised a total of \$550,000 in private funds and plans to raise \$700,000 more, individual donations cannot provide adequate funding. NCA has obtained a \$750,000 credit line from The Village Bank, \$600,000 in MA state historic tax credits, and is applying for an additional \$400,000 from this source. NCA has applied to the MA Cultural Council Cultural Facilities Fund in 2016 for a grant and will apply again in 2017 for funding totaling \$600,000. To ensure the facility's long-term viability, NCA has also developed an operating plan based on a 6-month study of similar facilities prepared with the help of SOAR55. NCA's plans provide very significant leverage for the requested investment of CPA funds. We hope the CPC will further support this project to save a site of historical interest throughout the City of Newton while enriching and benefiting the entire community.</p>				

<b>Project TITLE</b>		<b>Nathaniel Allen Homestead, Phase 2</b>	
<b>USE of CPA FUNDS</b>		<b>HISTORIC RESOURCES</b>	Preserve ✓
			Restore/rehabilitate ✓
<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>The Allen House is listed in the Newton Comprehensive Plan 2007, Section 9 – “Planning for &amp; with History,” pp. 9-1 to 9-18. It is #5 on the Historic Properties Map. In accordance with the goals of the Comprehensive Plan of doing more with history, (p. 9-6) our project will follow Newton’s growing historic trend “...seeing history everywhere. By rehabilitating and integrating historic resources into everyday life,” However, true to a “special place for reasons of the heart” (p. 9-7) the Allen Homestead’s distinct architecture and history define the character of the neighborhood.</p> <p>The Allen House is also listed in the Appendix of the Heritage Landscape Report (p.52, rev.2010) in the section titled Residential/Neighborhood. While many significant old trees remain, many are also are in very poor condition. The Newton Tree warden has visited the property and in consultation with GROUND, the landscape designer with whom NCA is working, we will be working with the City to make a full preservation plan in accordance with good tree care practice. Our attorney, parking and engineering consultants have tried to balance the preservation of as much of the landscape as possible with the parking requirements of the zoning code for an educational and cultural facility. We have appeared before the Historical Commission and have had our project approved.</p>			
<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. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.	
<b>Name &amp; title or organization</b>		<b>Email</b>	<b>Phone</b>
<b>Mailing address</b>			
Karen Haywood, neighbor		ktapper41@hotmail.com	617-332-2888
69 Walker St., Newton 02460			
Erin Splaine, Minister, First Unitarian Society in Newton		minister@fusn.org	617-527-3203
1326 Washington St., Newton 02465			
Mr. Gorham Brigham		Fgb3@comcast.net	617-965-2482
401 Cherry St., Newton 02465			
<b>Project TIMELINE</b>		<b>Phase or Task</b>	
		<b>Season &amp; Year</b>	
Historic commission, zoning approvals		2012 - 2013	
Administrative Site Plan Review (Newton Planning & Development Dept.)		Spring – Fall 2013	
City of Newton Engineering-review of utilities; MA Access board review, working drawings		2013 - 2014	
PHASE I: Contractor bidding, completion Phase I		2014 - 2015	
PHASE II: CPC presentation, subsequent City Council process and agreement		Spring 2016	
PHASE II: Contractor bidding		Late Spring 2016	
Junior League renovation/house décor		Spring 2016	
Interior and Exterior Demolition (incl. structural bracing)		Late summer/Fall 2016	
New Utilities and Foundation		Fall 2016	
Exterior repairs and begin interiors		Fall 2016	
Interior Repairs and elevator shaft		Winter 2017	
Elevator installation and interior finishes		Spring 2017	
Exterior paving, Landscaping, grounds		Summer 2017	
Final inspections		Fall 2017	

Project TITLE		Nathaniel Allen Homestead, Phase 2
<b>SUMMARY CAPITAL/DEVELOPMENT BUDGET</b>		
<b>Uses of Funds</b> (revised for consistency with full budget attachment, 1 April 2016)		
Acquisition (11/12) purchase price + closing costs		\$250,000
Phase 1 and 1A: Partial Occupancy (design & construction, legal fees, utilities, maintenance)		\$944,000
Phase 2 (current request)		
Hard Costs (Construction)		\$4,006,000
including: \$607,700 mechanical (HVAC, utilities, etc.), net of \$150,000 incentives for geothermal energy; \$164,000 contingency		
Soft Costs (Architecture, Engineering, Finance, Insurance, Utilities, etc.)		\$690,000
including: \$65,000 debt service reserve; \$200,000 developer fee		
<b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)		<b>\$5,900,000</b>
<b>Sources of Funds</b>	<b>Status</b> (requested, expected, confirmed)	
Acquisition & Phase 1/1A		
CPA funding	Received (appropriated October 2014)	\$300,000
Village Bank	Received - Line of credit	\$750,000
NCA Donations/foundation	Received to date 2/1/2016	\$550,000
Phase 2 (current request)		
CPA funding	Requested Spring 2016	\$2,000,000
MA Historic Tax Credits	Received – not yet used	\$600,000
Mass Cultural Council Cultural Facilities Grant	Expected Spring 2016	\$300,000
MA Historic Tax Credits	Spring/Summer 2016, additional applications	\$400,000
Capital Campaign	Begin May 2016	\$700,000
Mass Cultural Council	Additional Application Fall 2017	\$300,000
<b>E. TOTAL SOURCES</b> (should equal C. on page 1 and D. above)		<b>\$5,900,000</b>
<b>SUMMARY ANNUAL OPERATIONS &amp; MAINTENANCE BUDGET</b> (cannot use CPA funds)		
<b>Uses of Funds</b> projected for FY 17, first year of occupancy See detailed 10-year projection attached.		
Annual contracts (maintenance - snow, cleaning, insurance, etc.)		\$24,000
Repairs and maintenance, utilities		\$29,500
Other: Mortgage, permits, property manager, reserve		\$70,250
<b>F. TOTAL ANNUAL COST</b> (should equal or be less than G. below)		<b>\$123,750</b>
<b>Sources of Funds</b>		
House office leases		\$61,200
House event rentals		\$41,400
Barn class rentals		\$0
Barn event rentals		\$0
Allen House Friends		\$20,000
Other event fees		\$2,400
<b>G. TOTAL ANNUAL FUNDING</b> (should equal or exceed F. above)		<b>\$125,000</b>

Project TITLE	Nathaniel Allen Homestead, Phase 2	
↓ Check off submitted attachments here.		
REQUIRED	x	<b>PHOTOS</b> of existing site or resource conditions – 6 included
	x	<b>MAP</b> of site in relation to nearest major roads
REQUIRED	<b>PROJECT FINANCES</b> printed and as computer spreadsheets, with both uses & sources of funds	
	x	<b>project development pro forma/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)
	x	<b>project operating/maintenance budget, projected separately for each of the next 10 years</b> (CPA funds may not be used for operations or maintenance)
	W	<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
W	<b>purchasing of goods &amp; services:</b> briefly summarize sponsor’s understanding of applicable state statutes and City policies	
REQUIRED	<b>SPONSOR FINANCES &amp; QUALIFICATIONS</b>	
	x	<b>for sponsoring department or organization, most recent annual operating budget</b> (revenue & expenses) & <b>financial statement</b> (assets & liabilities); each must include both public (City) and private resources (“friends” organizations, fundraising, etc.)
W	<b>for project manager: relevant training &amp; track record</b> of managing similar projects	
REQUIRED	<b>DESIGN &amp; CONSTRUCTION</b>	
	x	<b>professional design &amp; cost estimates:</b> include site plan, floor plans & elevations
x	<b>materials &amp; finishes;</b> highlight “green” or sustainable features & materials	

**Newton Community Preservation Program Grant Proposal**  
**Newton Cultural Alliance – Nathaniel Allen Homestead**  
**February 2016**

**PRO FORMA**

<b>Uses of Funds</b>				
	Acquisition and closing costs			\$ 250,000
Phase I	Design			\$ 196,000
	Construction			\$ 440,000
	Other: legal, insurance, site costs, finance			\$ 318,000
	<b>Total Phase I</b>			<b>\$ 1,204,000</b>
Phase II				
	General Conditions			\$ 725,000
	Masonry			\$ 108,000
	Concrete			\$ 123,000
	Metals			\$ 6,000
	Carpentry & millwork			\$ 500,000
	Envelope - roofing & insulation			\$ 165,000
	Doors and Windows			\$ 114,600
	Plaster			\$ 124,000
	Painting			\$ 88,200
	Tile - carpet and vinyl			\$ 110,000
	Flooring - wood			\$ 58,900
	Mechanical - less incentives of \$150K			\$ 607,700
	Plumbing			\$ 130,000
	Electrical - & fire alarm			\$ 190,500
	Elevator			\$ 75,000
	Specialties & equipment			\$ 46,100
	Fire stopping & suppression			\$ 110,000
	<b>Total Hard Costs</b>			<b>\$ 3,282,000</b>
	Site Costs			\$ 480,000
	Contingency			\$ 164,000
	Architecture & Engineering			\$ 330,000
	Finance Expenses			\$ 35,000
	Insurance			\$ 30,000
	Miscellaneous (Utilities, maint )			\$ 30,000
	Debt Service Reserve			\$ 65,000
	Developer Fee			\$ 200,000
	Owner supplied materials			\$ 80,000
	<b>TOTAL Uses of Funds</b>			<b>\$ 5,900,000</b>
<b>Sources of Funds:</b>				
	CPA			\$ 2,300,000
	Bank Debt			\$ 750,000
	Mass. Cultural Council			\$ 600,000
	NCA - donations to date			\$ 550,000
	Foundations / Captial Campaign			\$ 700,000
	Historic Credits in Basis			\$ 1,000,000
	<b>TOTAL Sources of Funds</b>			<b>\$ 5,900,000</b>

**Newton Community Preservation Program Grant Proposal**

**Newton Cultural Alliance – Nathaniel Allen Homestead**

**February 2016**

**Cost Estimate**

The Pro Forma statement of the budget for Phase II of this project was based on a consultant contractor’s work to develop a construction budget based on 50% CD’s. In earlier presentations we have provided lengthy detailed cost estimate documents done by the architect team. In this case we feel the estimated costs presented in the Pro Forma are likely to be more accurate as they were done by a construction contractor with sub-contractor bids and is reasonably close to the last detailed budget done by the architects.

One area of the Pro Forma that is potentially unclear is the General Conditions cost. The following is a breakdown of this expense including the amounts that are addition to the normal things considered General Conditions:

<b>General Conditions</b>	<b>\$409,105</b>
Project Requirements	\$57,550
Permits	\$68,332
Preconstruction	\$9,360
Construction management	\$180,653
	\$725,000



**Newton Cultural Alliance  
Nathaniel Allen Homestead  
10 year operating budget**

**#125-16**

Permits & Licenses	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250	\$250
Property Manager	\$30,000	\$30,600	\$31,212	\$31,836	\$32,473	\$33,122	\$33,785	\$34,461	\$35,150	\$35,853	\$36,570
Mortgage Payment	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
Reserve Fund	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
<b>Total Other Expenses</b>	<b>\$70,250</b>	<b>\$70,850</b>	<b>\$71,462</b>	<b>\$72,086</b>	<b>\$72,723</b>	<b>\$70,872</b>	<b>\$71,535</b>	<b>\$72,211</b>	<b>\$72,900</b>	<b>\$73,603</b>	<b>\$74,320</b>
<b>Total Expenses</b>	<b>\$123,750</b>	<b>\$130,460</b>	<b>\$132,305</b>	<b>\$134,188</b>	<b>\$136,110</b>	<b>\$135,572</b>	<b>\$137,573</b>	<b>\$139,616</b>	<b>\$141,701</b>	<b>\$143,829</b>	<b>\$146,000</b>
<b>Total Net Income</b>	<b>\$1,250</b>	<b>\$22,140</b>	<b>\$24,047</b>	<b>\$25,971</b>	<b>\$27,912</b>	<b>\$32,371</b>	<b>\$34,348</b>	<b>\$36,344</b>	<b>\$38,358</b>	<b>\$40,392</b>	<b>\$42,445</b>





*The Commonwealth of Massachusetts* #125-16

*Secretary of the Commonwealth  
State House, Boston, Massachusetts 02133*

*William Francis Galvin  
Secretary of the Commonwealth*

March 27, 2014

Thomas Concannon  
Newton Cultural Alliance  
1301 Centre Street  
Newton, MA 02459

RE: Massachusetts Rehabilitation Tax Credit Application, Nathaniel Allen House,  
35 Webster Street (Phase 1 of 1), Newton, MA; MHC# HRC.492

Dear Mr. Concannon:

As Chairman of the Massachusetts Historical Commission, I am pleased to inform you that the above referenced project has been selected to receive \$300,000.00 of state rehabilitation tax credit funds. You remain eligible to apply for additional funds in future rounds, not exceeding a total of 20% of the qualified rehabilitation costs for the project.

This allocation is contingent upon the successful completion of the project and the approval of part three of the state rehabilitation tax credit application in accordance with the regulations (830 CMR 63.38R.1).

Once your project is complete and put into service, you may apply for a Part 3 Certification for your project. Part 3 certification and issuance of a Project Certificate by the Massachusetts Historical Commission is the final step of the tax credit process for a single-phase project. See 830 CMR 63.38R.1(4)(c). After the Project Certificate is issued, no additional credits can be allocated.

Please contact Brona Simon, Executive Director of the Massachusetts Historical Commission, if you have any questions concerning the next steps in this process.

We look forward to working with you toward the successful completion of your project. We hope that this allocation will help you to achieve your preservation goals.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Galvin", written over a large, faint circular stamp or watermark.

William Francis Galvin  
Secretary of the Commonwealth  
Chairman, Massachusetts Historical Commission

xc: Adrienne Hartzell

**Regarding Massachusetts Historic Tax Credits grant of \$300,000 received in Round 31, July 2014.**

The letter to President Thomas Concannon regarding this award is not able to be located. A duplicate has been requested. This information is available online at the following url:

<https://www.sec.state.ma.us/mhc/mhcpdf/round-31-awards.pdf>

December 4, 2015

Massachusetts Cultural Facilities Fund Grant Program  
Massachusetts Cultural Council  
10 St. James Avenue, 3<sup>rd</sup> Floor  
Boston, MA 02116-3803  
Cultural Facilities Fund

Dear Friends:

Please find enclosed the Required and Supplementary Materials for the Newton Cultural Alliance's MCC CFF 2015 application. If there are any questions please do not hesitate to contact us.

Sincerely

Adrienne Hartzell  
Managing Director

February 11, 2016

Community Preservation Committee  
c/o Alice Ingerson, Community Preservation Program Manager  
Newton Planning and Development Department  
City Hall, 1000 Commonwealth Avenue  
Newton, MA 02459

Dear Members of the Community Preservation Committee:

On behalf of the Newton Cultural Alliance this brief letter is written to express to you that the NCA is fully aware of the requirements of MGL Ch. 30B and the City of Newton policies regarding purchasing of goods and services with funds received from the Newton Community Preservation Program. Our Board of Directors has reviewed the **City of Newton Procurement Policy for Community Preservation Program Grants to Private Organizations** of the Purchasing Department revised on September 16, 2013 for projects in excess of \$25,000 and understand the policy and its requirements. We were pleased to work with Nick Read of the City of Newton Purchasing Department, along with Maureen LeMieux, Newton CFO and Ouida Young of the Newton Law Department, to come to an agreement for our Phase I grant that allowed for a public bidding process and reasonable flexibility to adjust the project as needed, in small ways, to accommodate the inevitable unexpected circumstances that development of a historic structure such as the Allen House requires. We look forward to working together with this team again for the Phase II agreement.

Very truly yours,

Adrienne Hartzell Knudsen  
Managing Director

# BUSINESS PLAN FOR THE NATHANIEL ALLEN HOUSE NEWTON CULTURAL ALLIANCE

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Presented to the Newton Cultural Alliance

by the SOAR 55 Management Consulting Template Subcommittee

Susan Glazer  
Jane Mann  
James Welch

November 13, 2015

## EXECUTIVE OVERVIEW

The Newton Cultural Alliance (“NCA”) is seeking Community Preservation Committee (“CPC”) funds from the City of Newton to complete its renovation of the Allen House. The Newton CPC has asked NCA to submit a sustainable business plan for the Allen House including a detailed financial projection for the property as a multi-use cultural and performance facility.

NCA sought the assistance of the SOAR55 Management Consulting Group for help in developing this business plan to ensure the NCA would have a pathway to the financial viability of the property and the sustainability of NCA as an organization. Based upon research with similar arts and cultural organizations around the country, NCA members, and analysis of building revenue and expenses, the SOAR55 team developed a financial projection for 10 years of Allen House revenue sources and expenses.

Our findings show the Allen House has significant rental revenue potential. Research with local arts organizations indicates strong demand for performances, events, meetings, studios, and shared office space. There is also an opportunity to rent the first floor of the Allen House to private individuals and companies for meetings and events. Baseline projections show tenant leases and event rental revenue could result in breakeven operations in FY 2017 and support at least 80% of expenses in years 2 - 10, during which time the current mortgage must be largely repaid. NCA will need to seek additional revenue from sponsors, donors and grants to cover all Allen House expenses once this mortgage amortization begins.

The SOAR55 team recommends NCA embrace the opportunity that the Allen House affords to provide a cultural center for Newton. We suggest the NCA undertake a strategic planning process to ensure the alignment of its mission, vision, and short and long-term objectives. We also recommend the NCA develop a fund-raising plan to address the Allen House revenue shortfall and create a focused marketing plan to ensure the building is fully utilized by cultural organizations and the residents of Newton.

January, 2016

To Whom It May Concern:

We write this letter in support of the Newton Cultural Alliance's efforts to secure funding for the restoration of the Nathaniel Allen House. Since last spring, our team worked with the Newton Cultural Alliance (NCA) to develop a sustainable business plan for the historic Nathaniel Allen House. This plan is key to ensuring the financial stability of the Allen House once it is restored.

Based on our research with similar arts and cultural organizations around the country, NCA members, and an analysis of building revenue and expenses, we found there is significant demand by non-profit organizations to use the Nathaniel Allen House space for office, social, and performance activities. This demand will generate a significant portion of the rental revenue required to support its financial viability.

The SOAR55 Team, therefore, strongly endorses NCA's efforts to seek funding for the restoration of the Allen House. As noted in our report to the NCA, the Nathaniel Allen House is a historic treasure that, once renovated, will provide a vibrant cultural center for the City of Newton.

Sincerely,

SOAR55 Executive Management Consulting  
Group  
Susan Glazer  
Jane Mann  
Jim Welch

Newton Cultural Alliance  
Profit & Loss Budget Overview  
July 2015 through June 2016

#125-16

<b>Ordinary Income/Expense</b>	
<b>Income</b>	
4 · Contributed support	108,000.00
5 · Earned revenues	27,400.00
5800 · Special events	40,700.00
<b>Total Income</b>	<u>176,100.00</u>
<b>Gross Profit</b>	176,100.00
<b>Expense</b>	
7200 · Salaries & related expenses	86,500.00
7500 · Other personnel expenses	19,500.00
8100 · Non-personnel expenses	37,460.00
8200 · Occupancy expenses	6,725.00
8500 · Misc expenses	7,300.00
8600 · Business expenses	100.00
<b>Total Expense</b>	<u>157,585.00</u>
<b>Net Ordinary Income</b>	<u>18,515.00</u>
<b>Net Income</b>	<u><u>18,515.00</u></u>



Newton Cultural Alliance  
**Profit & Loss Budget vs. Actual**  
 July 2015 through January 2016

#125-16

	TOTAL	
	Jul 2015 - Jan 2016	Budget
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
4 · Contributed support	58,855.00	79,000.00
5 · Earned revenues	11,334.25	20,700.00
5800 · Special events	24,026.00	35,700.00
<b>Total Income</b>	94,215.25	135,400.00
<b>Expense</b>		
7200 · Salaries & related expenses	44,169.72	56,517.00
7500 · Other personnel expenses	4,224.25	16,325.00
8100 · Non-personnel expenses	12,535.91	33,535.00
8200 · Occupancy expenses	7,330.00	6,725.00
8500 · Misc expenses	-929.45	5,050.00
8600 · Business expenses	0.00	65.00
<b>Total Expense</b>	67,330.43	118,217.00
<b>Net Income</b>	<b>26,884.82</b>	<b>17,183.00</b>

Newton Cultural Alliance  
**Balance Sheet**  
As of January 31, 2016

#125-16

**ASSETS**

**Current Assets**

**Checking/Savings**

**1000 · Village Bank**

1001 · Village Checking #7985 3,863.19

1003 · Village Savings #4571 40.34

1005 · separate NACC Checking#0781 49.36

1009 · AHCC Checking#0047 19,446.20

1000 · Village Bank - Other 0.00

**Total 1000 · Village Bank** 23,399.09

**Total Checking/Savings** 23,399.09

**TOTAL ASSETS** 23,399.09

**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

**Accounts Payable**

2010 · Accounts payable 8,175.00

**Total Accounts Payable** 8,175.00

**Other Current Liabilities**

2100 · Payroll Liabilities 1,617.72

2150 · Accrued expenses - other 3,500.00

2310 · Deferred revenue 5,000.00

2550 · Line of credit payable 0.00

**Total Other Current Liabilities** 10,117.72

**Total Current Liabilities** 18,292.72

**Total Liabilities** 18,292.72

**Equity**

3010 · Unrestrict (retained earnings) -21,778.45

**Net Income** 26,884.82

**Total Equity** 5,106.37

**TOTAL LIABILITIES & EQUITY** 23,399.09

**Newton Community Preservation Program Grant Proposal  
Newton Cultural Alliance – Nathaniel Allen Homestead  
February 2016**

**Project Management**

To date the project management for Phase I, the Junior League Show House and the ongoing work on design and engineering has been done by Donald Lang, architect and Adrienne Hartzell Knudsen, NCA's Managing Director.

In Phase II NCA expects to engage in the late Spring of 2016 an independent Owner's Representative/Project Manager to work closely on the project and with the General Contractor and his contractors. We have a number of names and interviews with prospective personnel will begin in April with special attention being given to experience with the city's procurement process and in dealing with historic properties and their unique challenges.

## OVERVIEW



Nathaniel Allen House from Webster Street driveway



Nathaniel Allen House from Webster Street

## WORK DONE



CPC Phase I work: Unisex HC Toilet Room (141)



CPC Phase I work: Cherry St. façade work completed—porch demo, new window & siding

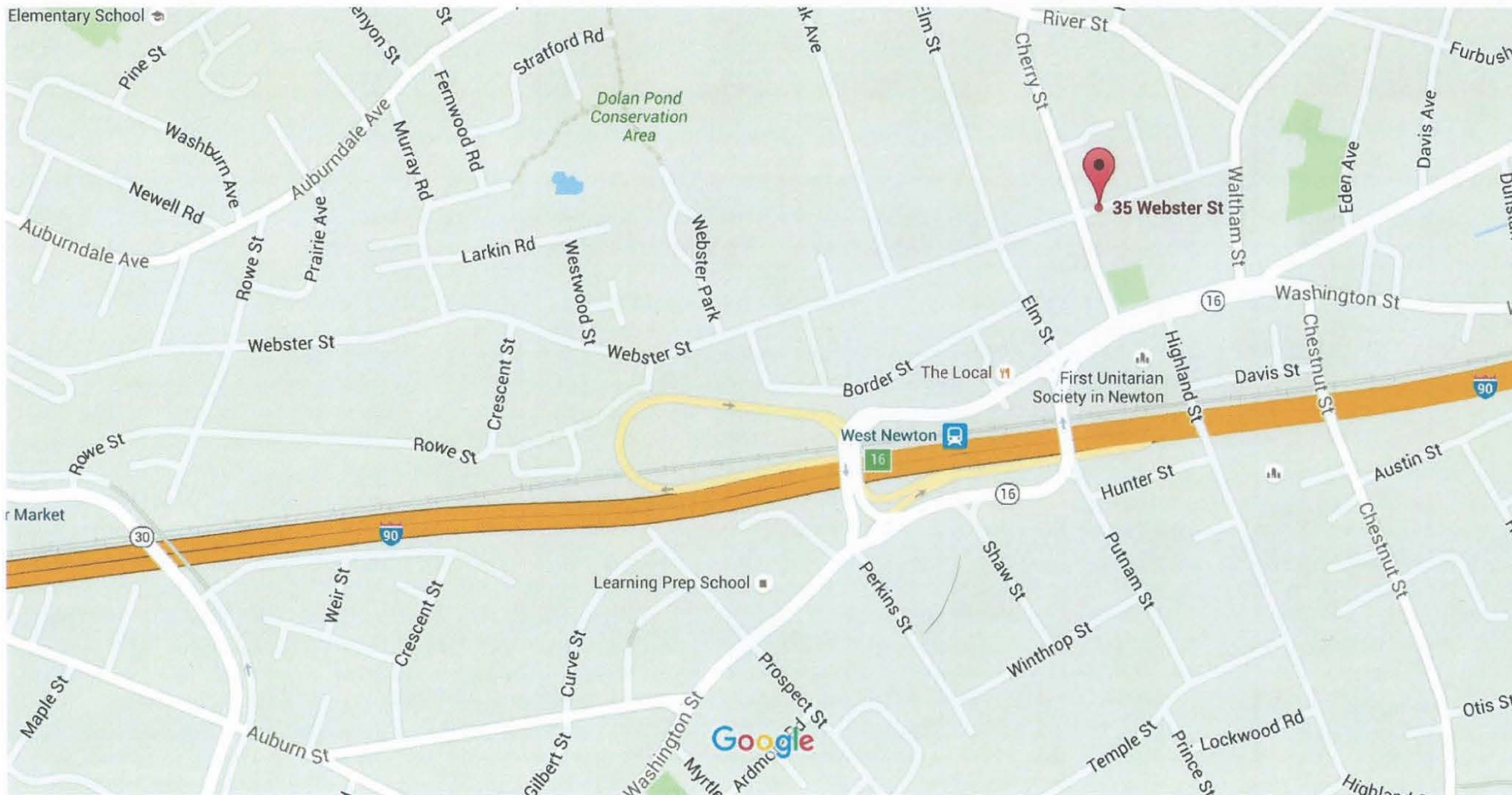
## WORK TO BE DONE



CPC Phase II work: Main Entrance/Lobby (116)



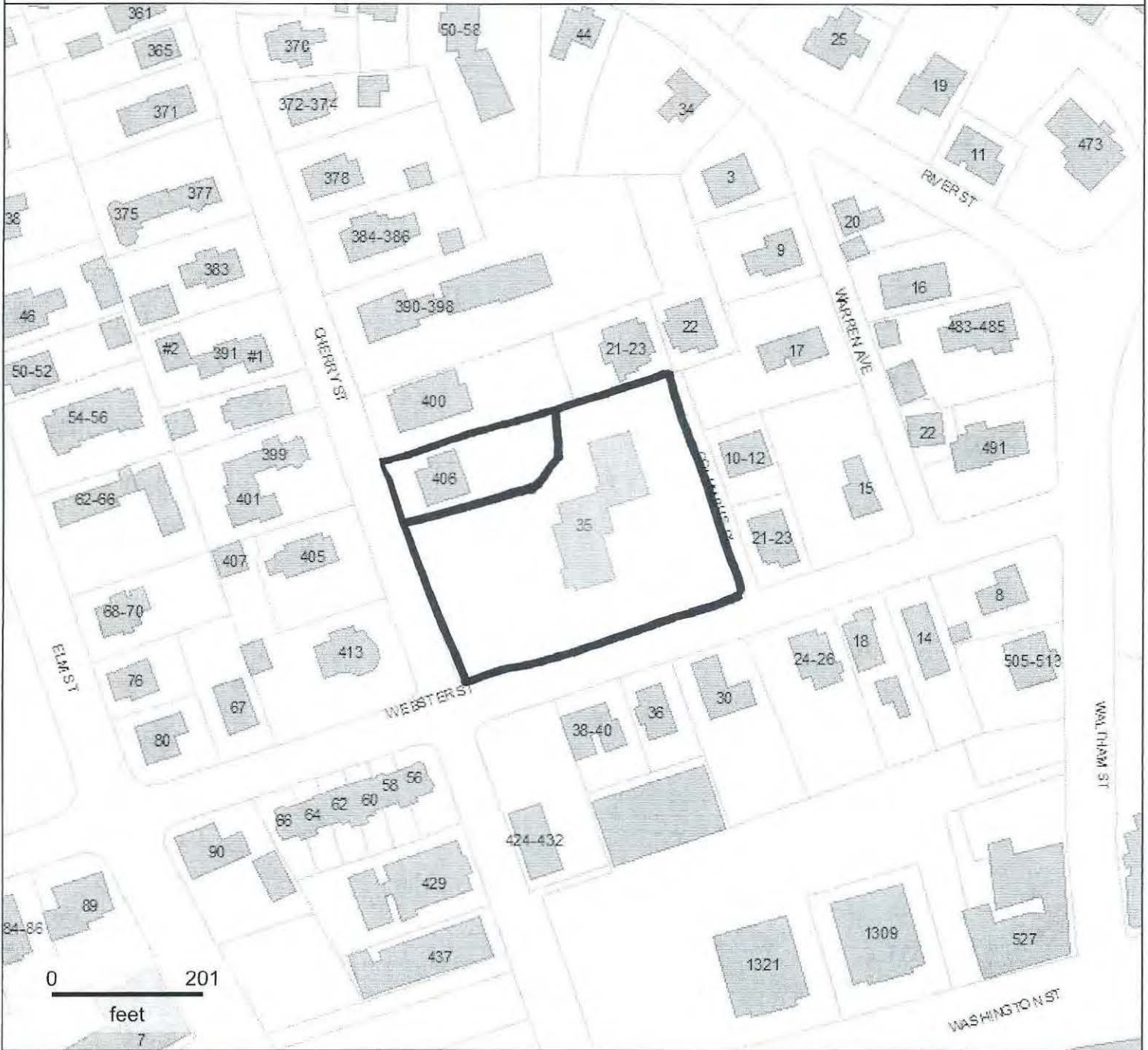
CPC Phase II work: Hall/Program 13



Map data ©2016 Google 500 ft

35 Webster St  
Newton, MA 02465

# City of Newton

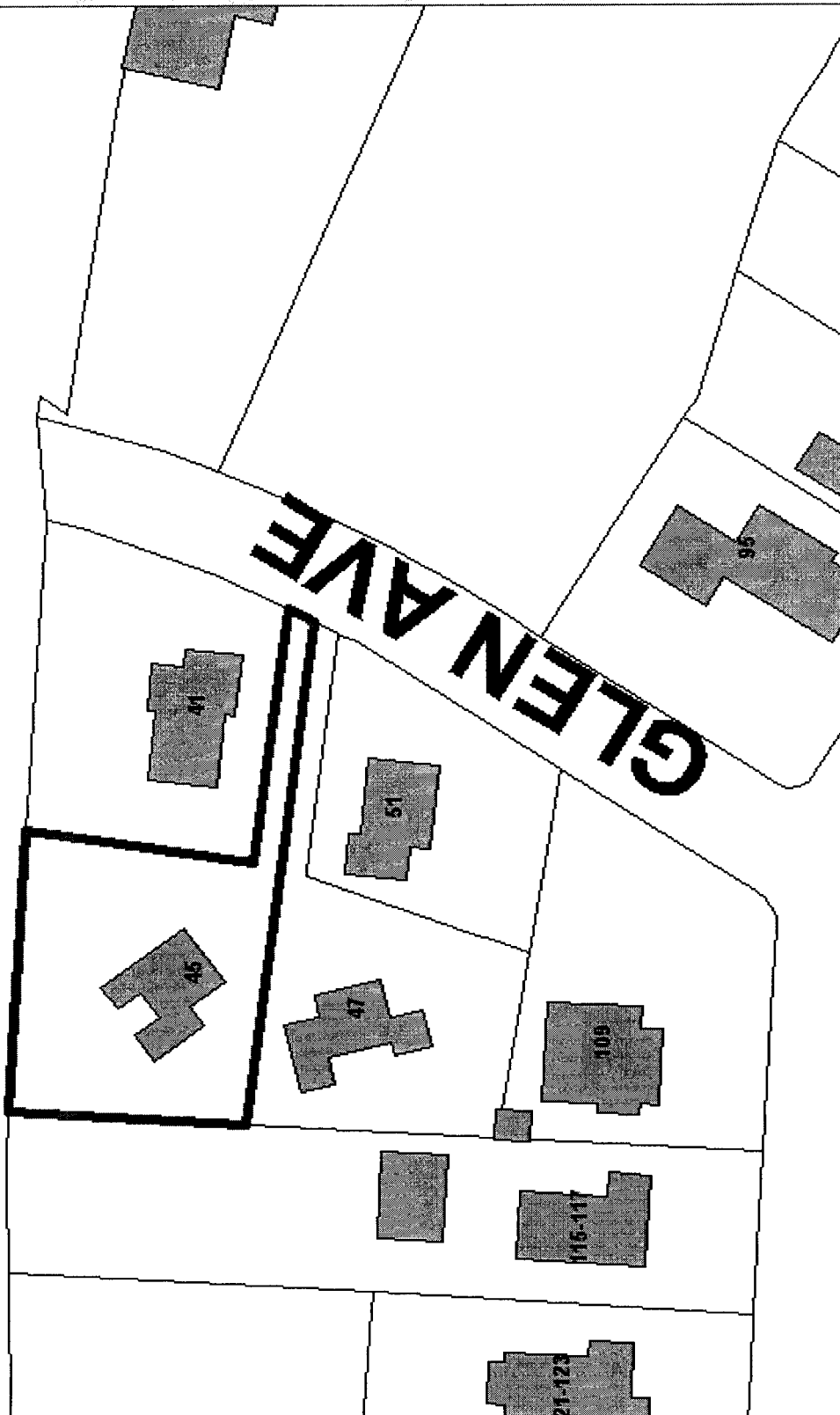


**Property ID:** 33025 0001  
**Address:** 35 WEBSTER ST  
**Owner:** NEWTON CULTURAL ALLIANCE INC

This map, taken from the City of Newton's Assessor resource, shows the Nathaniel Allen House and the adjacent property at 406 Cherry, purchased by the NCA in 2014, with the eventual intent of merging the properties and expanding the Allen House campus with additional program, open space and parking for the community. The property at 406 Cherry Street is currently rented as a residential property.



# NEWTON GIS DATA



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user is responsible for determining the data's suitability for its intended purpose.

City departments will not approve applications based solely on GIS data. City staff correct errors as they are identified.

Buildings

Property Lines

Lakes & Rivers

Easements

Property Location:  
**45 GLEN AVE**

Property ID:  
**61039 0002**

Land Use: **101** Lot Size: **11294 Sq. Ft.**

1 inch = Approximately 71 Feet

MAP DATE: April 07, 2016

**The Request for Proposal from the City of Newton for the Zoning Reform 2 project can be found at:**

<http://www.newtonma.gov/civicax/bids/inc/blobfetch.aspx?blobid=69332>

**The Proposals received for the Zoning Reform 2 project can be found at:**

*Sasaki Associates*

<http://www.newtonma.gov/civicax/filebank/documents/74434>

*TPUDC*

<http://www.newtonma.gov/civicax/filebank/documents/74435>



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#115-16

Telephone  
(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

March 14, 2016

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to transfer the sum of \$200,000 from Acct # 0111401-511001 Full time Salaries to Acct # 0111401-5301 Consultants and authorize the transfer and appropriation of \$125,000 from June 30, 2015 Certified Free Cash to Acct # 0111401-5301 Consultants for the purpose of funding Zoning Reform Phase 2.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Office  
2016 MAR 15 AM 4:52  
David A. Olson, ONC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



Setti D. Warren  
Mayor

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

#145-16  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

## MEMORANDUM

**DATE:** March 14, 2016  
**TO:** Maureen Lemieux, Chief Financial Officer  
**FROM:** James Freas, Acting Director  
**SUBJECT:** Zoning Reform – Phase 2

The Zoning Reform project was initiated as a result of the 2011 Zoning Reform Group report, which recommended a two-phase process to reform Newton's Zoning Ordinance and bring it into greater consistency with the *2007 Newton Comprehensive Plan*. Phase 1 of this project was completed in November 2015 with the adoption of a reformatted and modernized zoning ordinance document. This phase of work did not deal with substantive changes to Newton's Zoning Ordinance that would help to address the systematic problems around issues of development activity and development project review that currently exist. Zoning Reform Phase 2 will address these more challenging issues and funding in the amount of \$325,000 is requested to support this project.

Zoning Reform Phase 2 has essentially a two-part scope of work to produce a "context based" zoning ordinance for the City and will be completed with the support of a consultant team. The first part of the project will be to collect quantitative and qualitative data about the City as it exists today, answering such questions as what are the patterns of development, what are the varying densities and land uses across the City, and where should additional growth occur? The second part is to take the maps, lot and building data, and policy information that results from part 1 and codify that into a draft zoning ordinance. Both parts of this project will depend on robust community engagement.

A selection committee representing Planning, ISD, Law, and the Zoning and Planning Committee of the City Council reviewed the two respondents to the Zoning Reform RFP. Sasaki Associates was selected (see attached). The \$325,000 identified above is the consultant fee for this project. The scope of work calls for an 18-month process at the end of which a draft Zoning Ordinance document will be submitted to the City Council.

City of Newton  
Purchasing  
Department

**To:** File  
**From:** N. Read, Chief Procurement Officer  
**Date:** January 28, 2016  
**Re:** Comprehensive Zoning Reform—Phase 2 RFP 16-24

---

On 10/15/15 the city released RFP 16-24 for vendors to provide expertise and assistance to the City of Newton Planning and Development Department, Law Department, and Board of Aldermen in developing a context-based zoning ordinance. One Addendum was issued. Proposals were to be submitted by 11/12/15, and 2 vendors duly submitted proposals:

Town Planning & Urban Design Collaborative LLC (TPUDC)  
Sasaki Associates, Inc. (Sasaki)

An evaluation committee made up of 4 persons<sup>1</sup> reviewed the technical proposals. Under the terms of the RFP, the proposers ranked Highly Advantageous and Advantageous are to be invited to interview and make a presentation. The evaluations ranking proposers on the Minimum Criteria and the first 4 Comparative Criteria were delivered to the Purchasing Department on 3/6/15.

---

<sup>1</sup> J. Freas, J. Lojak, T. Hess-Mahan & M Lawlor.

The Minimum Criteria ratings (deficiencies only noted) are as follows.

	TPUDC	Sasaki
The project team combined shall have the following: (1) a Master's degree in Planning, Architecture, or a closely related field; (2) a Juris Doctor degree with admission to the Massachusetts Bar or comparable credentials; and (3) five years of professional experience in planning and zoning.		
Resumes are provided for all project personnel including those listed above.		
Completed Bidder's Qualifications and References Form		
Certification of Tax Compliance		
Completed Certificate of Non-Collusion		
Completed Debarment Letter		
Completed IRS W-9 Form		

No proposers were disqualified so both were evaluated.

## Sasaki Associates, Inc.

	JF	JL	TH-M	ML
1. Quality of work proposal	HA	HA	HA	HA
2. Quality and depth of project experience	No Ranking Given	HA	HA	HA
3. Experience in Community Engagement	HA	A	HA	HA
4. Qualifications of the Proposer Based on Submitted Resume(s)	HA	HA	HA	HA
5. Completeness and quality of proposal package	HA	HA	HA	HA
6. Quality of the presentation*	HA	A	HA/A	HA
7. References <sup>2</sup>	HA			
Final Composite Ranking				

<sup>2</sup> James Freas ranked references on behalf of all evaluators.

## Town Planning &amp; Urban Design Collaborative LLC

	JF	JL	TH-M	ML
1. Quality of work proposal	HA	HA	HA	HA
2. Quality and depth of project experience	HA	HA	HA	HA
3. Experience in Community Engagement	HA	HA	HA	HA+
4. Qualifications of the Proposer Based on Submitted Resume(s)	HA	HA	HA	HA
5. Completeness and quality of proposal package	HA	HA	HA	HA
6. Quality of the presentation*	HA	HA	HA	HA
7. References <sup>3</sup>	HA			

When the evaluation results tabulated, the price proposals were opened. The results (with each proposer's aggregate composite ranking) are as follows:

<sup>3</sup> James Freas ranked references on behalf of all evaluators.



	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Task 7	Total	Ranking
Sasaki Associates	10,000	10,000	35,000	125,000	65,000	50,000	30,000	325,000	HA
TPUDC	56,360	23,600	16,600	101,400	83,900	188,200	27,600	497,660	HA

The two proposers received identical qualitative rankings of HA and, though there some minor variations in the evaluations, these were not material. Both prices exceed the project estimate of \$150,000, and TPUDC's price is \$172,660 more (53%) than Sasaki's.

Given identical rankings and the substantial difference in price I recommend that Sasaki be awarded the contract as it is the most advantageous proposer based on price and non-price proposals.

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

**#115-16 Funding for Zoning Reform Phase 2**

HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty five thousand dollars (\$125,000) from Free Cash and authorization to transfer the sum of two hundred thousand dollars (\$200,000) from the Planning Department's Full-time Salaries Account to the Planning Department's Consultants Account for the purpose of funding Zoning Reform Phase 2.  
[03/15/16 @ 4:52 PM]

**Zoning & Planning Held 8-0 on 03/28/16**

**Action:** **Finance Held 8-0**

**Note:** The Committee met jointly with the Zoning and Planning Committee to discuss the request to appropriate \$125,000 and transfer \$200,000 within the Planning Department's budget to fund the second phase of zoning reform. The City issued the Zoning Reform Request for Proposals and received responses from Town Planning & Urban Design Collaborative LLC (TPUDC) and Sasaki Associates, Inc. An evaluation committee with representatives from the Law Department, Planning & Development, Inspectional Services, the Zoning and Planning committee, reviewed both proposals and the committee chose Sasaki Associates. The Sasaki Associates proposal was 50% less than TPUDC, and although TPUDC ranked slightly higher, both companies are very close to each other in terms of quality of work. The evaluation committee felt that the slight difference in ranking was not worth the additional costs of choosing TPUDC.

Once the funds are approved, the City would enter into a contract with Sasaki Associates for a fee of \$325,000 for 18-month process that would result in a draft zoning ordinance. The funds to be transferred are available due to ongoing vacancies in the Planning & Development Department. There would still be funding in the Planning Department budget after the transfer to fill each vacant position tomorrow and fund them until the end of the fiscal year. Committee members asked for a list of current vacant positions and recently filled positions, which includes the length of vacancy for each listed position.

Some Councilors thought that the Administration had put aside \$150,000 in the Planning Department budget for the second phase of zoning reform. Comptroller David Wilkinson explained that as long as funds were not special appropriations, the Planning Department could use funds in its Consulting budget for other consulting services. Attached is a report of the June 22, 2016 joint meeting with the Zoning and Planning and Finance Committee, which states that a transfer of \$200,000 from the Planning Department's Salaries Account would be used to hire consultants in Fiscal Year 2016 including a consultant for the second phase of zoning reform. Subsequent to the meeting, Comptroller David Wilkinson provided the attached summary of the current year operating activity in the Planning Department's consulting budgets.

Members of the Zoning and Planning Committee voiced concern that they had not received the scope of work and proposals from either consultant and did not feel comfortable taking an action on the docket item without reviewing those materials. It was pointed out that

MARCH 28, 2016

zoning reform is one of the most important issues that the Council will deal with over the next couple of years and the Councilors should be informed before making the decision to spend \$325,000. Councilor Albright moved hold in the Zoning and Planning Committee and Councilor Lappin moved hold in the Finance Committee. Both motions carried by unanimous votes. Councilors also asked when the report of the management review of Planning Department would be available to the City Council, as it would help inform budget discussions. Council Vice-president Lappin stated that she spoke with the Mayor regarding the report and he expects to release it to the Council in the next few weeks.

## CITY OF NEWTON, MASSACHUSETTS

#115-16

## GENERAL FUND

## SUMMARY OF CURRENT YEAR OPERATING ACTIVITY

## PLANNING DEPARTMENT CONSULTING ACCOUNTS

July 1, 2015 - March 31, 2016

	Planning <u>Administration</u>	Economic <u>Development</u>	Total <u>Planning Consulting</u>
Original FY 2016 budget	\$ 75,000.00	\$ 10,000.00	\$ 85,000.00
6/30/2015 Continued appropriations {1}	353,541.19	14,693.20	368,234.39
Budget transfer - postage	(7,834.39)	-	(7,834.39)
Budget transfer - subscriptions	-	(5,004.00)	(5,004.00)
<b>Consulting Budget as amended</b>	<b><u>420,706.80</u></b>	<b><u>19,689.20</u></b>	<b><u>440,396.00</u></b>
YTD expenditures:			
RKG Associates Inc. (Housing Needs Analysis)	95,006.80	1,646.80	96,653.60
Sasaki (Planning Management & Organization Analysis)	58,725.00	-	58,725.00
Northeastern University (Newton Benchmarking Study)	8,500.00	-	8,500.00
Nelson/Nygaard (Transportation Strategy)	56,270.60	-	56,270.60
Nelson/Nygaard (Newton Centre Parking Study)	47,570.00	-	47,570.00
RKG Associates Inc. (Austin St Fiscal & Economic Analysis)	13,075.00	-	13,075.00
<b>Total YTD expenditures</b>	<b><u>279,147.40</u></b>	<b><u>1,646.80</u></b>	<b><u>280,794.20</u></b>
Outstanding encumbrances:			
RKG Associates Inc. (Housing Strategy)	-	13,046.40	13,046.40
Sasaki (Planning Management & Organization Analysis)	3,475.00	-	3,475.00
Nelson/Nygaard (Transportation Strategy)	92,454.40	-	92,454.40
Nelson/Nygaard (Newton Centre Parking Study)	10,000.00	-	10,000.00
Nelson/Nygaard (Austin St Fiscal & Economic Analysis)	2,850.00	-	2,850.00
<b>Total Outstanding encumbrances</b>	<b><u>108,779.40</u></b>	<b><u>13,046.40</u></b>	<b><u>121,825.80</u></b>
<b>Available Balance</b>	<b><u>\$ 32,780.00</u></b>	<b><u>\$ 4,996.00</u></b>	<b><u>\$ 37,776.00</u></b>

{1} 6/30/2015 Continued appropriation consists of:

Original FY 2015 consulting line items	\$ 85,000.00
6/30/2014 continued appropriations - consulting	133,834.67
Supplemental FY 2015 consulting appropriations	210,000.00
Planning expense budget transfers	8,201.72
Consulting expenditures	<u>(68,802.00)</u>
6/30/2015 Continuing appropriation	<u>\$ 368,234.39</u>

DRAFT

CITY OF NEWTON

IN CITY COUNCIL

\_\_\_\_\_, 2016

RESOLUTION

TO THE MAYOR AND CITY COUNCIL REQUESTING THAT ALL MEMBERS OF MUNICIPAL PUBLIC BODIES THAT HAVE DECISION-MAKING AUTHORITY OR AN ADVISORY ROLE WITH RESPECT TO LAND USE, ZONING OR HOUSING ISSUES BE REQUIRED TO RECEIVE APPROPRIATE ORIENTATION OR TRAINING CONCERNING APPLICABLE RIGHTS AND OBLIGATIONS UNDER FAIR HOUSING LAWS AND REGULATIONS.

BE IT RESOLVED:

WHEREAS, it is the policy of the City to see to it that each person shall have equal access to and equal opportunity in housing, regardless of race, color, religion, national origin, disability, age, sexual orientation, gender identity or expression, marital status, familial status (families with children under 18), public assistance (including rental vouchers), genetic information, or military status; and

WHEREAS, the goal of this policy is to ensure that Newton is an open, diverse, and welcoming community free from discrimination in any housing related activity, including but not limited to housing sales, leasing, and rentals, realtor and broker practices, housing development, construction, and management, advertising and listing practices, city housing planning, development, and zoning activities, and home mortgage, lending and insurance practices; and

WHEREAS, unlawful discrimination may involve policies or actions taken with a discriminatory intent or purpose, or it may be the result of neutral practices or actions which have a discriminatory effect based on prohibited grounds, and such discriminatory effect may take the form of a disparate impact on a protected class, or it may involve reinforcement or perpetuation of segregated housing patterns; and

WHEREAS, Fair Housing requirements apply to all types of housing, whether private or public, with very few limited exemptions, and regardless of whether government financial assistance is received; and

WHEREAS, It is the City's intention to follow all the non-discrimination provisions and the affirmative duty to further Fair Housing obligations set forth in the applicable federal, state and local Fair Housing laws, and that, as a general matter, the affirmative duty to further Fair Housing means, according to regulations of the U.S. Department of Housing and Urban Development, "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics"; and

WHEREAS, the City of Newton has entered into a Conciliation and Voluntary Compliance Agreement (the "Agreement") to resolve claims of violations of the Fair Housing Act, Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which was approved by the United States Department of Housing and Urban Development on May 12, 2015; and

WHEREAS, the Agreement provides that City employees shall receive training on Fair Housing requirements as necessary to ensure that the City's policies and actions comply with Fair Housing laws and regulations; and

WHEREAS, all members of municipal public bodies that have decision-making authority or an advisory role relating to land use, zoning and housing issues, including but not limited to the City Council, Zoning Board of Appeals, Planning and Development Board, the Community Preservation Committee, the Newton Housing Partnership, and the Fair Housing Committee, should therefore be familiar with Fair Housing requirements;

NOW THEREFORE BE IT RESOLVED, that this Council hereby requests that all members of municipal public bodies that have decision-making authority or an advisory role with respect to land use, zoning or housing issues be required to receive appropriate orientation or training concerning applicable rights and obligations under Fair Housing laws and regulations.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity



**CONCILIATION AGREEMENT**

Under

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988

And

Voluntary Compliance Agreement

Under

Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990

Between

Supporters of Engine 6 (Complainant)

And

Disability Law Center, Inc. (Complainant)

And

Fair Housing Center of Greater Boston (Complainant)

And

City of Newton, Massachusetts (Respondent)

And

Setti Warren, Mayor (Respondent)

Approved by the FHEO Region I Director on behalf of the United States Department of Housing and Urban Development

Case Numbers: 01-14-0098-8 (Title VIII), 01-14-0098-4 (Section 504), 01-14-0098-D (ADA)

## A. PARTIES

### Complainants

Supporters of Engine 6  
c/o Frank Laski, Attorney  
154 Oliver Road  
Waban, Massachusetts 02468

Disability Law Center, Inc.  
11 Beacon Street  
Suite 925  
Boston, Massachusetts 02108

Fair Housing Center of Greater Boston  
26 Washington Street  
Boston, Massachusetts 02108

### Respondents

City of Newton, Massachusetts (“the City”)  
c/o Donnalyn Kahn, Solicitor  
1000 Commonwealth Avenue  
Newton Centre, Massachusetts 02459

Setti Warren, Mayor  
1000 Commonwealth Avenue  
Newton Centre, Massachusetts 02459

## B. STATEMENT OF FACTS

On December 17, 2013, Complainants filed a complaint with the United States Department of Housing and Urban Development (“the Department” or “HUD”) alleging that Respondents violated the Fair Housing Act (“the FHA”) as amended, 42 U.S.C. § 3601 et seq., by their treatment of Metro West Collaborative Development’s proposal to develop supportive housing for the chronically homeless (“the subject matter of the complaint”). Complainants also alleged that Respondents’ actions on the subject matter of the complaint violated Section 504 of the Rehabilitation Act of 1973 (“the Rehabilitation Act”) and Title II of the Americans with Disabilities Act (“the ADA”). Respondents deny the allegations in the complaint and deny discriminating on the basis of disability. HUD has made no findings of any violation of any applicable law by the Respondents.

### No Admission of Liability

Complainants and Respondents enter into this Conciliation and Voluntary Compliance Agreement (“Agreement”) solely for the purpose of obtaining administrative closure of this



matter. It is understood that the execution of this Agreement does not constitute an admission by Respondents of any violation of any law, statute, or regulation.

### **C. TERM OF AGREEMENT**

This Agreement shall govern the conduct of the Parties to it for a period of five years from the effective date of the Agreement.

### **D. EFFECTIVE DATE**

The Parties expressly agree that this Agreement constitutes neither a binding contract under state or federal law nor a Conciliation Agreement pursuant to the FHA nor a Voluntary Compliance Agreement pursuant to the Rehabilitation Act or the ADA, unless and until such time as it is signed by the Parties and approved by the Department, through the Region I Director, Fair Housing and Equal Opportunity (“FHEO Director”) or her designee.

This Agreement shall become effective and binding on the Parties on the date on which the FHEO Director approves it (“Effective Date”).

### **E. GENERAL PROVISIONS**

1. The Parties acknowledge that this Agreement is entered into voluntarily and is in full settlement of all claims set forth in the complaint. No party admits liability or wrongdoing of any nature as a result of entering into this Agreement and the Parties acknowledge that no findings have been made with respect to Complainants’ allegations. No party has been coerced, intimidated, threatened, or in any way forced to become a party to this Agreement. The Parties affirm that they have read and fully understand the terms set forth in this Agreement.
2. Each person who signs this Agreement in a representative capacity warrants that his or her execution of this Agreement is duly authorized, executed and delivered by and for the entity for which he or she signs.
3. It is understood that Respondents deny that they have violated the FHA, Section 504 of the Rehabilitation Act, Title II of the ADA, or any other law. This Agreement does not constitute an admission by the Respondents or evidence of a determination by HUD of any violation of the FHA, the Rehabilitation Act, the ADA, or any other law.
4. This Agreement, after the FHEO Director has approved it, is binding upon Complainants, Respondents, and their respective employees, heirs, successors and assigns, and all others in active concert with them.
5. It is understood that, pursuant to Section 810(b)(4) of the FHA, upon approval of this Agreement by the FHEO Director, this Agreement is a public document.
6. No amendment to, modification of, or waiver of any provisions of this Agreement shall be effective unless all of the following conditions are met: (a) all signatories or their successors to

the Agreement are notified in advance and agree to the proposed amendment, modification or waiver; (b) the amendment, modification or waiver is in writing; and (c) the amendment, modification or waiver is approved and signed by the Parties and the FHEO Director. Any such amendment, modification, or waiver shall be effective only in the specific instance and for the specific purpose for which given and will have no effect on other provisions of this Agreement.

7. The Parties agree that this Agreement may be executed by the Parties' signatures of consent on separate pages. The separate pages will be attached to the body of the Agreement to constitute one document. The Parties agree that signature pages received via electronic transmission will be considered official, provided that the original copy of the signature page is forwarded to HUD immediately upon signing of the Agreement. Both the original and any electronically transmitted signature pages will be retained in the official case file.

8. Complainants hereby forever waive, release, and covenant not to sue the Department or Respondents or their respective heirs, executors, assigns, agents, employees, insurers, directors, officers, representatives, successors, and attorneys with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of the facts alleged in or the same subject matter as HUD Case Numbers 01-14-0098-8, 01-14-0098-4, and 01-14-0098-D, or which could have been filed in any action or suit arising from such facts or subject matter.

9. Respondents hereby forever waive, release, and covenant not to sue the Department or Complainants or their respective heirs, executors, assigns, agents, employees, insurers, directors, officers, representatives, successors, and attorneys with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of the facts alleged in or the same subject matter as HUD Case Numbers 01-14-0098-8, 01-14-0098-4, and 01-14-0098-D, or which could have been filed in any action or suit arising from such facts or subject matter.

10. HUD hereby forever waives, releases, and covenants not to sue the Respondents or their heirs, executors, assigns, agents, employees, insurers, directors, officers, representatives, successors, and attorneys with regard to any and all claims, damages and injuries of whatever nature, whether presently known or unknown, arising out of the facts alleged in or the same subject matter as HUD Case Numbers 01-14-0098-8, 01-14-0098-4, and 01-14-0098-D, or which could have been filed in any action or suit arising from such facts or subject matter.

11. This Agreement does not in any way limit or restrict the Department's authority to investigate any other complaint involving Respondents within the Department's jurisdiction.

12. Respondents acknowledge that they have an affirmative duty not to discriminate under the FHA, the Rehabilitation Act, and the ADA, and that it is unlawful to retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the FHA, the Rehabilitation Act, and the ADA. Respondents further acknowledge that any subsequent retaliation or discrimination constitutes both a material breach of this Agreement and a statutory and regulatory violation of the FHA, the Rehabilitation Act, and the ADA.

13. If any provision of this Agreement is determined to be invalid or unenforceable for any reason, then such provision shall be treated as severed from the remainder of this Agreement, and shall not affect the validity and enforceability of all other provisions of this Agreement.

#### **F. RELIEF IN THE PUBLIC INTEREST**

1. The City shall take the following actions to create nine (9) to twelve (12) units of permanent supportive housing suitable for chronically homeless persons with disabilities in Newton within the next five years:

a. The City shall identify at least five (5) sites which may be suitable for nine (9) to twelve (12) affordable housing units for chronically homeless persons with disabilities. The City shall inform HUD and the Complainants of the locations within 12 months of the Effective Date of this Agreement.

b. By December 31, 2015, the City shall hire an expert to advise the City's Planning Department on the most efficient and expedient manner of constructing permanent affordable housing for individuals, including chronically homeless individuals in the City of Newton in locations that will enhance the ability to access supportive services.

c. The City shall utilize the expertise of an entity to provide supportive services for chronically homeless individuals in Newton.

d. The City shall address its efforts to support housing for the disabled and chronically homeless in its Annual Action Plan and Consolidated Annual Performance Evaluation Report for fiscal year 2015. The City shall make housing for the chronically homeless and disabled a priority in its FY 2016-2020 Consolidated Plan.

e. Within sixty (60) days of the Effective Date of the Agreement, the City shall involve one or more of the member organizations of the Brookline-Newton-Waltham-Watertown Continuum of Care to develop an action plan for the funding and construction of nine (9) to twelve (12) units of permanent supportive housing serving chronically homeless persons (as defined in HUD regulations) to be located within the City of Newton. The organization or organizations to develop the plan may consult with the Complainants. The action plan shall be completed within one (1) year of the Effective Date and shall include the identification of at least five (5) potential sites for such housing; recommendations for partnerships among non-profit developers of affordable housing and organizations providing services to chronically homeless households; recommended amounts to be allocated to the payment of predevelopment costs; real estate and supportive services models for the production of such housing (such as new construction on City-owned land, acquisition of scattered site housing, provision of units on a scattered site basis in other multifamily developments within the City, and/or acquisition of existing multifamily housing); identification of any necessary zoning relief and permitting approvals; prototype development and operating budgets; and such other matters as deemed prudent by the organizations developing the plan. The City shall incorporate the plan into the Analysis of Impediments to Fair Housing (or any successor requirement of HUD) and the Strategy for

Ending Homelessness in the Consolidated Plan and Annual Action Plan and shall implement the plan such that nine (9) to twelve (12) units of permanent supportive housing for chronically homeless households are produced and ready for initial occupancy within the term of this Agreement. The costs of developing the plan will likely constitute a Community Development Block Grant eligible activity.

2. The City shall post its fair housing ordinance, Section 12-50, on its website and on its second floor bulletin board in City Hall within sixty (60) days of the Effective Date of this Agreement. During the City's activities for National Community Development Week in 2015, Mayor Warren shall amplify and speak about the importance of fair housing.

3. Within sixty (60) days of the Effective Date of this Agreement, the City shall post on its Planning and Development Department website page information to guide the public and developers on the process for developing affordable housing projects in Newton. The posting must include information on fair housing and the City's obligation to affirmatively further fair housing. For the duration of this Agreement, the City shall have its Planning Department review all applicable projects for their inclusion of fair housing goals and note in writing in all applicable project reviews a statement that "the objectives of the City's Consolidated Plan, including fair housing, have been considered in this review."

4. Within sixty (60) days of the Effective Date of this Agreement, the City's Director of Planning shall provide to the Complainants and HUD a list of City employees who will receive training on fair housing requirements. Complainants may propose that additional City employees receive fair housing training within thirty (30) days of Complainants' receipt of the Director of Planning's list. Such training shall be provided by December 31, 2015.

5. The City shall include in its FY 2016-FY2020 Consolidated Plan its commitment to create nine (9) to twelve (12) units of permanent supportive housing suitable for chronically homeless persons with disabilities in Newton within the next five years, its commitment to hire an expert to advise on supportive housing for the chronically homeless, a copy of the written statement to be included in all applicable Planning Department project reviews, its commitment to the posting of its policy on fair housing on its bulletin board and website, and its commitment to undergo fair housing training. The Parties understand that the Consolidated Plan is created through a transparent public process where the Planning Department creates a plan for the allocation of Community Development Block Grants and related funds based, in part, on needs identified and prioritized by the community. The City agrees to conduct the citizen participation process in accordance with 24 C.F.R. § 91 Subpart B and welcomes the participation of the Complainants in this process.

## **G. MONITORING**

The Department shall determine compliance with the terms of this Agreement. For the duration of this Agreement, Respondents shall retain all records evidencing their compliance with this Agreement. During the term of this Agreement, HUD may review compliance with this Agreement. As part of such review, HUD may conduct inspections, examine witnesses, and copy

pertinent records of Respondents. Respondents agree to provide full cooperation in any monitoring review undertaken by HUD to ensure compliance with this Agreement.

## H. REPORTING AND RECORDKEEPING

In addition to any submissions required under 24 C.F.R. Part 91, the City shall provide reports to the Department every ninety (90) days, until the Department provides the City with notice that it has substantially complied with the requirements of this Agreement. The first report shall be due ninety (90) days after the Effective Date of this Agreement. Reports shall provide status updates on each provision in Section F of this Agreement and contain documentation to substantiate the progress reported. Reports shall be submitted to:

Susan M. Forward, Region I Director  
United States Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
Thomas P. O'Neil Jr. Federal Building  
10 Causeway Street, Room 321  
Boston, MA 02222-1092

Or electronically Daniel Weaver, Region I Enforcement Branch Chief at [Daniel.J.Weaver@hud.gov](mailto:Daniel.J.Weaver@hud.gov).

With a copy to:

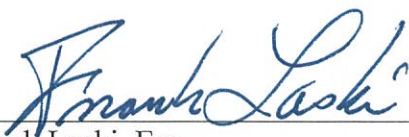
Frank Laski, Attorney  
154 Oliver Road  
Waban, Massachusetts 02468

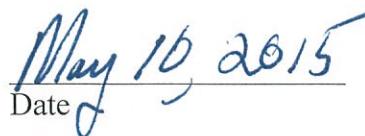
## I. CONSEQUENCES OF BREACH

Whenever the Department has reasonable cause to believe that either or both Respondents have materially breached this Agreement, the matter may be referred to the Attorney General of the United States to commence a civil action in the appropriate U.S. District Court pursuant to §§ 810(c) and 814(b)(2) of the FHA.

## J. SIGNATURES


WHEREFORE, the Parties hereto have duly executed this Agreement:

  
\_\_\_\_\_  
Frank Laski, Esq.  
Supporters of Engine 6

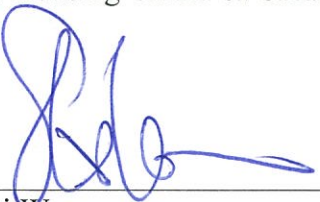
  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Christine M. Griffin, Esq.  
Disability Law Center, Inc.

4/23/15  
Date


  
\_\_\_\_\_  
Robert Terrell  
Fair Housing Center of Greater Boston

4/23/15  
Date

  
\_\_\_\_\_  
Setti Warren  
Mayor

4/16/15  
Date

**K. APPROVAL**

  
\_\_\_\_\_  
Susan M. Forward  
Region I Director  
Office of Fair Housing and Equal Opportunity

5/12/15  
Date

## STATEMENT ON FAIR HOUSING IN NEWTON

- It is the policy of the City to see to it that each person shall have equal access to and equal opportunity in housing, regardless of race, color, religion, national origin, disability, age, sexual orientation, gender identity or expression, marital status, familial status (families with children under 18), public assistance (including rental vouchers), genetic information, or military status.
- The goal of this policy is to assure that Newton is an open, diverse, and welcoming community free from discrimination in any housing related activity, including but not limited to housing sales, leasing, and rentals; realtor and broker practices; housing development, construction, and management; advertising and listing practices; city housing planning, development, and zoning activities; and home mortgage, lending and insurance practices.
- Unlawful discrimination may involve policies or actions taken with a discriminatory intent or purpose, or it may be the result of neutral practices or actions which have a discriminatory effect based on prohibited grounds. The discriminatory effect may take the form of a disparate impact on a protected class, or it may involve reinforcement or perpetuation of segregated housing patterns.
- Fair housing requirements apply to all types of housing with very few limited exemptions\*, whether they are in the private or public real estate sectors, and regardless of whether government financial assistance is received.
- It is the City's intention to follow all the non-discrimination provisions and the affirmative duty to further fair housing obligations set forth in the applicable federal, state and local fair housing laws. As a general matter, the affirmative duty to further fair housing means, according to regulations of the U.S. Department of Housing and Urban Development, "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

\*For any question about the applicability of fair housing law, please consult with an experienced attorney



CITY OF NEWTON

IN CITY COUNCIL

[Date]

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended as follows:

Add **Section 22-7 Statement on Fair Housing Required in Notices of Public Hearings and Meetings Relating to Permitting or Funding of Housing to Chapter 22 Planning and Development**, as follows:

**Section 22-7 Statement on Fair Housing Required in Notices of Public Hearings and Meetings Relating to Permitting or Funding of Housing**

(a) In all cases where notice of a public hearing or meeting relating to the permitting or funding of housing is required by the Massachusetts General Laws or the Revised Ordinances, as amended, such notice shall contain a brief statement concerning the City's policy regarding fair housing practices, the Equal Housing Opportunity logo of the United States Department of Housing and Urban Development, and the name, title, telephone number and email address of a person in the Department of Planning and Development to contact for more information regarding fair housing, as follows:

It is the policy of the City of Newton to see to it that each person shall have equal access to and equal opportunity in housing, regardless of race, color, religion, national origin, disability, age, sexual orientation, gender identity or expression, marital status, familial status (families with children under 18), public assistance (including rental vouchers), genetic information, or military status. Fair housing requirements apply to all types of housing, public and private, with very few limited exemptions, and regardless of whether government financial assistance is received.





For more information regarding fair housing, please contact [name, title, telephone number, email address].

(b) In all cases where notice of a public hearing or meeting relating to the permitting or funding of housing is required to be sent to individuals or specific boards or other agencies by the Massachusetts General Laws or the Revised Ordinances, as amended, such notice shall be accompanied by a copy of the Newton Fair Housing Committee's "Statement on Fair Housing in Newton."

Under Suspension of Rules  
Readings Waived and Adopted  
\_\_ years and \_\_ nays \_\_ absent

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN  
City Solicitor

(SGD) DAVID B. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

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