



Ruthanne Fuller,
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

Community Preservation Committee

MINUTES

11 June 2019

The meeting was held on Tuesday, 11 June 2019 starting at 7:00 pm in Newton City Hall Room 204.

Community Preservation Committee (CPC below) members present: chair Mark Armstrong, vice chair Dan Brody, and members Byron Dunker, Beryl Gilfix, Rick Kronish (left at 9 pm), Susan Lunin, Jennifer Molinsky (arrived 7:05 pm). Member Robert Maloney joined the meeting at approximately 7:30 pm, and member Peter Sargent was absent.

Community Preservation Program Manager Alice Ingerson served as recorder.

[Blue, underlined phrases](#) below are links to additional information online.

Proposals & Projects

[Riverside Greenway – Auburndale River Links](#) pre-proposal: \$50,000 design funding request from Riverside Greenway Working Group (recreation land)

Ted Chapman made the presentation on behalf of the Riverside Greenway Working Group (RGWG), which has been working to connect the Dept. of Conservation & Recreation's (DCR) Blue Heron Trail along the Charles River from its current terminus in Newton, at Lyons Field on Commonwealth Avenue, to the Riverside site and from there to trails in Wellesley, a distance of 3 miles. Weston is also planning to add a trail alongside Route 30, running from its eastern boundary with Newton to its western boundary with Wayland.

RGWG has received several grants for this work from the state funding program now known as MassTrails. The City of Newton is also working with the state to explore adding a dedicated greenway along the north side of Commonwealth Avenue, which would link Lyons Field, to the proposed trails from the south side of Commonwealth Avenue to Riverside. The state has already committed funding to restore the Pony Truss Trail and Bridge, south of the commuter rail tracks and has funded 25% design to restore the Stringer Bridge that crosses the river from Newton to Weston near the Lasell Boathouse on Charles Street in Auburndale.

The RGWG CPA funding request is for several trail segments and features, including: the Pigeon Hill Trail connecting DCR's "Boathouse Park" near the Lasell boathouse (107 Charles Street, south of the Turnpike) to Evergreen and Oakland Streets in Auburndale (between the Turnpike and Commonwealth Avenue), the tunnel carrying Charles Street under the Turnpike, and the "Depot Tunnel" under the commuter rail tracks, which connects Boathouse Park to the head of the proposed Pony Truss Trail leading to Riverside. Chapman explained that the Depot Tunnel already exists but has been closed to pedestrians for safety reasons.

The [Solomon Foundation](#) of Wellesley had funded a conceptual study of these connections. State funding has brought the project to 25% design. RGWG had applied to MassTrails in February 2019 for \$200,000 of state funding for 100% design. The proposed \$50,000 in Newton CPA funding would serve as the required 20% local match for this MassTrails grant. Decisions about these state grants were apparently made by early May, but the announcements have not yet been made.

RGWG expects their MassTrails application to be funded because DCR considers it a high priority. RGWG has also been working with the offices of Governor Baker and State Senator Kay Khan to advocate for these recreational improvements and connections. If the improvements included in this proposal reach 100% design,

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

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next page.*

RWGW feels the state Dept. of Transportation (DoT) is likely to add them to its list of transportation projects for federal construction funding through the Transportation Incentives Program (TIP).

Ingerson noted that she had incorrectly advised RWGW to list this pre-proposal as CPA-eligible under “open space.” In fact, the CPA statute allows funding to “rehabilitate” (meaning to improve) only open space that was acquired or created with CPA funding in the first place. As a result, this project must be considered as the “rehabilitation” of “land for recreation.”

In response to several questions from Dan Brody, Jen Molinsky, and Beryl Gilfix, Chapman provided more information about the project’s geography. He acknowledged the restoration of the Stringer or Boathouse Bridge would create a path from Auburndale to Riverside on the west bank of the Charles River, the trails in the proposed project would be closer to the river and provide a shorter route for commuters. As more trails and connections are completed, there will eventually be a ramp linking these trails to the connector road leading to the Riverside site. Mark Development, which currently has a [Special Permit request pending with the City of Newton for development of the Riverside site](#), has expressed interest in funding pedestrian connections [as part of its project](#).

In addition to Weston’s own plans for connecting trails along Route 30, DCR is revisiting the design of the Leo J. Martin Golf Course in Weston, with the goal of making that site part of the trail network, by providing for safe pedestrian access along the edges of the golf course.

In response to Rick Kronish, Chapman said the project in the pre-proposal to the CPC was envisioned as a 12-foot wide path that would allow for shared use by pedestrians and bicycle riders. The proposed greenway from Lyons Field along Commonwealth Avenue, which is not part of this pre-proposal, would have separate lanes for bicycles, especially where it crosses over the Turnpike. The overall goal for the current gap between Lyons Field and Riverside is a network of paths, some of which will be fully accessible and ADA-compliant, and some of which will be strictly footpaths.

In response to Buzz Dunker, Chapman said the project involved multiple sites with complex public ownership by several state agencies, including DoT, DCR, and the Massachusetts Water Resources Authority (MWRA). The MassTrails grant program is a collaboration between DoT and DCR. The pre-proposal to the CPC included a letter from DCR committing that agency to maintain the trail, if it is built, regardless of which agency controls the land under particular segments. In addition, the City of Newton will retain responsibility for any greenway created along Commonwealth Avenue, which is considered a City street in Newton.

In response to Armstrong, Chapman explained that this relatively short length of trail would have fairly high design and construction costs because the tunnels must be designed to DoT standards and will need night lighting.

Susan Lunin and other members appreciated the project’s proposed funding leverage, with 80 percent of the costs to be covered by non-CPA, state funds.

Finally, Ingerson asked how RWGW would comply with public procurement requirements for the project. Chapman said the group had received 5 competing bids in response to its previous Request for Proposals (RFP) for the 25% design work. The Solomon Foundation also assisted with this procurement process, which ultimately awarded the contract to the team of [Halvorson Design](#) and [Howard Stein Hudson \(HSH\)](#). DCR has approved continuing with the same team for the remaining design work. RWGW is hoping the City of Newton will also approve the process already used, so no new RFP will have to be issued.

VOTE Kronish moved to consider a full proposal for this \$50,000 of recreation funding off-cycle, with the proposal received at least 1 month prior to the requested public hearing date. The motion was seconded by Brody and was adopted by a vote of 7-0 (Maloney not yet present, Sargent absent).

At Kronish’s request, Armstrong announced that the agenda’s Committee business items would be deferred to the end of the meeting.

Proposals & Projects – Executive Session

300 Hammond Pond Parkway (“Webster Woods”)

Following instructions from the City of Newton Law Dept., Sargent requested a roll call vote of the CPC to enter into an Executive Session in accordance with the provisions of Massachusetts Chapter 30A, sec. 21(a)(6) for the purpose of considering the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the City’s negotiating position regarding the potential acquisition of real property rights for the protection of open space at 300 Hammond Pond Parkway/Webster Woods. Executive sessions are closed to the public.

At 7:20 pm, the following roll call vote was held to begin an executive session:

ROLL CALL VOTE to begin executive session	Yes	No
Armstrong	✓	
Brody	✓	
Dunker	✓	
Gilfix	✓	
Kronish	✓	
Lunin	✓	
Molinsky	✓	
TOTALS	7	0

At approximately 9 pm, the following roll call vote was held to adjourn the executive session and resume the public session:

ROLL CALL VOTE to adjourn executive session and resume public meeting	Yes	No
Armstrong	✓	
Brody	✓	
Dunker	✓	
Gilfix	✓	
Kronish	✓	
Lunin	✓	
Maloney	✓	
Molinsky	✓	
TOTALS	8	0

Kronish left the meeting at this point.

Committee Business

As the sole member of the public at the meeting, Maureen Reilly Meagher noted that she had come primarily for this discussion, expecting it to precede the executive session as shown on the published agenda. She was disappointed that the Committee had revised the agenda order, which then required her to wait outside the meeting room for the executive session to end and the public session to resume.

At Ingerson’s suggestion, the agenda item reporting on recent CPC community outreach efforts was deferred to the next meeting.

The Committee briefly discussed its goals for working with the City Council to update Newton's CPA ordinance. Ingerson felt there would be a clear consensus in favor of deleting the now-irrelevant instructions for initial appointments to the CPC in 2002 and in favor of replacing the current ward residency requirements for the four nonstatutory appointments to the CPC, made by the Mayor with City Council approval, with broader language seeking to ensure that the CPC represents the community's diversity not only of interests but of neighborhoods, genders, ethnicities, etc. She felt it was up to the Council to address the requirement, added to the CPA statute in 2012, for the ordinance to specify "the mechanisms under which the legislative body may approve and veto appropriations made pursuant to this chapter [MGL Ch. 44B], in accordance with the city charter." These mechanisms could be as simple as describing the Council's current procedure, which is to refer all CPA funding recommendations to one or more Council committees, based on the subject matter of the project, plus the Council's Finance Committee, before holding a full Council appropriation vote.

Ingerson suggested that other goals for this ordinance revision might be more challenging, including: whether and how to require regular communication between the CPC and the City Council about the Community Preservation Program, in addition to communication about specific projects; whether and how to ensure that the CPC's funding guidelines and requirements were applied in the same way to all proposals; and whether and how the ordinance should address staffing for the program.

Whether through the ordinance or otherwise, Gilfix, Brody and Lunin all felt the CPC should try to preserve the current grading and salary range for the CPA program manager staff position, currently held by Ingerson and funded through the CPC's administrative budget. Lunin was concerned that the Planning & Development Department's "downgrading" of this position, as described by Planning Director Barney Heath to the Council's Zoning and Planning Committee (ZAP) in late April, might lead to a higher rate of turnover and make the staff position less helpful to the CPC. Armstrong felt that many Councilors on the ZAP committee supported the CPC's goals for the staff position.

Ingerson asked the committee to vote formally on the suggestion discussed at previous CPC meetings to shift from an annual funding round to rolling submission of funding requests. She noted that this shift would have little impact on the Committee's practices, as over the past several years almost no proposals had been submitted in the annual round, and nearly all proposals had been considered on an "off-cycle," rolling basis.

VOTE Lunin moved that the CPC eliminate its current its past annual funding rounds and consider all full proposals on a rolling basis, while preserving its current pre-proposal requirements and applying to all full proposals the rolling deadlines currently used for "off-cycle" proposals. The motion was seconded by Gilfix and was adopted by a vote of 7-0.

Ingerson said she would announce that this change would take effect in late summer.

Ingerson also asked the Committee to consider minor changes to its remaining 2019 schedule: moving the August 6 meeting to August 13 and substituting a single November 12 meeting for the two meetings currently listed in November. The vote to move to rolling submissions had eliminated the rationale for two November dates, which were traditionally scheduled in case the CPC received so many proposals in the annual funding round that it could not hold public hearings for all of them on one date. By sense of the meeting, the Committee agreed to these changes. Ingerson said she would poll the full membership for any quorum issues created by the new schedule.

VOTE Based on a motion by Gilfix, seconded by Armstrong, the Committee approved the minutes for 14 May 2019 as submitted by a vote of 7-0.

Molinsky's motion to adjourn was seconded by Lunin and adopted by a vote of 7-0. The meeting adjourned at approximately 9:30 pm.