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Community Preservation Committee

MINUTES

6 November 2019

The meeting was held on Wednesday, 6 November 2019 starting at 7:00 pm in the City Council Chamber (also called City Hall Room 207).

Community Preservation Committee (CPC below) members present: chair Mark Armstrong, vice chair Dan Brody, and members Byron Dunker, Rick Kronish (arr. 7:05 pm), Susan Lunin, Robert Maloney, Jennifer Molinsky and Peter Sargent. One CPC position was vacant, as the Mayor's new appointment for historic resources was pending.

Community Preservation Program Manager Alice Ingerson served as recorder.

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

Elected officials attending: City Councilor Lisle Baker.

City staff attending, in addition to speakers listed below: Chief Operating Officer Jonathan Yeo, Planning & Development Director Barney Heath, City of Newton consulting attorney and former acting City Solicitor Ouida Young.

Overview of the Community Preservation Act (CPA) & Newton's CPA Program

The slides for this presentation by Alice Ingerson are appended to these minutes. The presentation covered requirements in the state CPA statute, M.G.L. 44B, and guidelines adopted by Newton's Community Preservation Committee.

CPA funds come primarily from a local surcharge on property taxes, which must be adopted through a ballot measure. Newton adopted the CPA in 2001, with a surcharge of 1%. The state matches a percentage of these local funds through fees paid to the Registry of Deeds. These fees will be raised in 2020, allowing for an increased state match in Fiscal 2021. Communities may also borrow against (sell bonds backed by) future local surcharge revenue, but not against their state matching funds. The statute requires spending at least 10% of each year's CPA funds in each of three categories: affordable housing, historic resources, and open space. The open space 10% may also be spent on outdoor recreation land, but there is no minimum for recreation. Newton's CPC has adopted voluntary "targets" for spending more than the required minimum in all categories, but these targets are flexible planning tools rather than rigid quotas. The targets help the CPC to decide when and how to spread funding over multiple years, either for categories of projects or for individual projects. The targets are also revised periodically based on community feedback.

[PUBLIC HEARING on 300 Hammond Pond Parkway](#) ("Webster Woods") (open space preservation, Newton Centre/Chestnut Hill) – \$15,740,000 in CPA funding requested by Mayor Ruthanne Fuller

Proposal Summary

This summary was presented by Jennifer Steel, Chief Environmental Planner for the City of Newton, and Beth Wilkinson, Chair of the Mayor's Advisory Panel for Webster Woods. The presentation covered the site's natural features, recreational and education uses, and history; community support and funding sources for the

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

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proposed acquisition; and the requested timeline for decisions about both acquisition and funding. [This presentation is on the CPC website](#), at www.newtonma.gov/gov/planning/cpa/projects/webster.asp.

Steel emphasized that the land proposed for City acquisition was the core of Newton's largest protected open space, as it is surrounded on three sides by conservation land held by either the City (Conservation Commission) or state (DCR). Development of this core parcel would have radiating effects on these surrounding public open spaces. Maintaining these large, contiguous parcels as open space is part of Newton's Maintaining open space part of Newton's climate resiliency and action plans and will both provide stormwater storage and help to mitigate greenhouse gases. The core site proposed for acquisition includes mature woods, rocky cliffs, a vernal pool, diverse native species, and extensive trails, but has relatively little incursion of invasive species. It has long been used for both passive recreation and nature education.

The core site is part of a larger parcel donated to the state as public open space in 1916 by the Webster family. In 1954 the state Metropolitan District Commission, precursor of today's Dept. of Conservation and Recreation, sold a portion of the Webster donation to Congregation Mishkan Tefila. Boston College in turn purchased the congregation's land in 2016. Protecting the open space and recreation character of this site has been a priority in Newton's *Open Space & Recreation Plan* since 1981. In 2015 the City Council unanimously passed a resolution supporting that protection. Starting early in 2018 Mayor Fuller worked with both her Webster Woods Advisory Panel and Boston College to find a mutually agreeable protection strategy, but these efforts did not succeed. In 2019 the Mayor announced her intention to acquire the undeveloped part of the Mishkan Tefila/Boston College land by eminent domain and return it to permanent use as public open space.

Steel explained that for this acquisition, the Mayor was seeking a total of \$15,740,000 in CPA bonding authority and direct funding, including: \$15 million in bonding authority, \$15,000 for a grant to the Newton Conservators for the cost of holding a conservation restriction on land acquired by the City, as required by the Community Preservation Act, and \$725,000 for legal fees and other costs. The Friends of Webster Woods have also committed a private donation of \$200,000 toward acquisition costs.

Finally, Steel shared the Mayor's hoped-for schedule: that after tonight's hearing, the CPC would vote to recommend the requested funding on November 12, the City Council would approve both the acquisition and the funding in meetings on November 25 and December 2, and the land would be acquired in January 2020.

Wilkinson emphasized that one of the major joys of chairing the Mayor's Advisory Panel had been spending time in the woods and hearing about supporters' experiences there. Residents of all ages had participated enthusiastically in walks led by Newton residents Eric Olson (Senior Lecturer in Ecology, Brandeis University), Richard Primack (Professor of Biology, Boston University), and Jon Regosin (Deputy Director, Massachusetts Division of Fisheries & Wildlife). A Newton Conservators poll in 2017 showed that 6 of 7 mayoral candidates supported preserving the woods. Mayor Fuller established her Advisory Panel within a week of her inauguration in 2018. Finally, Wilkinson shared a map showing the distribution of the first approximately 240 Newton signatures on the [online petition of support sponsored by the Friends of Webster Woods](#).

PUBLIC COMMENTS & QUESTIONS

After reminding all speakers to provide their names and addresses on the sign-up sheets, to use the microphone so they would be recorded, and to limit their remarks to about 3 minutes, CPC chair Mark Armstrong asked that elected officials and representatives of groups and institutions be allowed to speak first.

Councilor Lisle Baker, Ward Councilor for Ward 7, explained that he was the City Council's representative on the Mayor's Webster Woods Advisory Panel. He recalled the 2015 unanimous resolution by the Board of Aldermen (now the City Council) in support of preserving the conservation and recreation character of 300 Hammond Pond Parkway. He felt that the only option now available to the Mayor seemed to be acquisition through eminent domain. Finally, although the CPC was the first stop on this path, he noted that the final decision would rest with the City Council. He hoped the CPC would recommend moving forward.

Suzanne Berne (165 Elgin Street), spoke on behalf of the Friends of Webster Woods. She felt this land acquisition proposal was a once-in-a-generation opportunity to protect the heart of a peaceful refuge enjoyed by walkers and students. She saw the woods as a deeply steadying presence. They contain valuable, fragile ecosystems and a vernal pool, surrounded by public land. As an educational institution, Boston College could override local zoning and develop the site intensively, devastating the woods. The College has made no commitment to protect and preserve the woods. She felt this acquisition was a bold action of the type Newton voters wanted when they adopted the CPA. The Friends had committed a \$200,000 donation to the project, through a letter hand-delivered to the CPC at this hearing.

Ted Kuklinski (24 Henshaw Terrace), spoke as the President and on behalf of the Newton Conservators. The Conservators' mission is to conserve land for recreation and study. They were an early proponent of adopting the CPA in Newton. CPA funding has allowed the City to respond to past open space opportunities in a timely manner, as well as providing benefits through housing, recreation, and historic preservation. As an example, he cited the Newton Community Farm, purchased and rehabilitated with CPA funds. The Conservators Board enthusiastically endorsed the proposed acquisition at 300 Hammond Pond Parkway and has agreed to hold and monitor a permanent conservation restriction on this acquisition. The Conservators can also accept and hold other donations toward the acquisition. He described the delight, curiosity and amazement of the more than 50 people who attended a walk in the portion of the woods already owned by the City the previous weekend. He hoped the CPC would support keeping the "Garden" in Newton's nickname "the Garden City."

Justin Traxler (36 Metacomet Road), spoke on behalf of Newton youth athletics, including Newton Girls Soccer and Boys & Girls Lacrosse. He described himself as an outdoorsman and a member of The Nature Conservancy and Massachusetts Audubon Society. He saw a strong need for CPA investment in Newton's playing fields, which are used by 10,000 athletes and have seen little investment over the past decade. The largest recent investments, including the \$2.5 million of CPA funds used to rehabilitate the Newton Highlands Playground, have not addressed these needs. Weeks Field has received a grade of D from an outside evaluator, barely above failing. The Mayor has said no funds are available for the fields, and the athletic leagues are already providing as much funding as they can. The fields need massive rehabilitation, not just maintenance. A small portion of the funding requested for Webster Woods could go a long way to helping youth athletics.\

Stevie Walker, Jr., and Kyle Rosenthal spoke on behalf of two Boston College student environmental organizations, Climate Justice and Eco Pledge. Their members fully support Mayor Fuller's effort to preserve Webster Woods as an important recreational area. They would like to see the land preserved and used for educational purposes, particularly as a resource for Boston College's earth and environmental sciences and biological sciences programs. They fully supported the City's decision to move ahead with acquisition. Their members had been shocked at the College's decision to build a salt shed on the rear parking lot.

Thomas Keady, Vice President of Boston College for Governmental & Community Affairs, spoke on the College's behalf. He emphasized that the College had been both a good neighbor and partner of Newton for many years. The College brings multiple benefits to Newton as a community: it employs about 800 Newton residents, supports Newton businesses through College contracts as well as through purchases both by the College itself and by its students and their parents, provides annual payments in lieu of taxes that benefit both the City and nonprofit organizations, has provided millions of dollars of scholarship aide to Newton students, offers tuition credits for Newton employees, offers Newton residents free access to exhibits, serves as the backup site for both Newton high school commencements, and provides free tickets to College athletic events. Its employees have invested thousands of volunteer service hours in Newton projects. He felt the College had also been a good neighbor since purchasing 300 Hammond Pond Parkway, investing \$5 million in repairing a broken sewer line and other capital improvements at the property. After meeting voluntarily with Newton's Conservation Commission to review its plan for salt and mulch storage on the rear parking lot, the College had improved the parking lot and limited salt runoff. The College opposed the requested \$15.74 million of CPA funds for the taking of 17.4 acres at 300 Hammond Pond Parkway. This request would preclude investments in other CPA-eligible projects in all categories. The estimated total cost of the proposed 30-year bond would be

\$34 million. In light of the City's other financial challenges, including unfunded pension liabilities and the lack of a teacher contract, he requested that the CPC reject the funding request.

Richard Primack (16 Stiles Terrace), biology professor at Boston University, described the woods as valuable for research purposes. They are a large, intact natural habitat, in very close proximity to two T stations that allow researchers to access the site from colleges across greater Boston. Fragmenting the woods would reduce their value for research and education. 500 freshmen annually come to the site to study bird behavior as part of freshman biology at Boston University. In collaboration with colleagues, Boston University professors Pamela Templer had studied air pollution's impacts on the woods. Noise studies had been conducted on the site by the university's students in cooperation with Newton citizens. Both air pollution and noise diminish only in the center of the woods.

Inka Korsisaari-Rossi, a 13-year-old Newton middle school student,* said she had lived near Webster Woods for half a year before moving to other side of Newton, but she still visits and values the woods. Yellow-spotted salamanders need these woods and the vernal pond. Construction near the pond will harm the salamanders and make it hard for them to survive. Kids and salamanders need the woods.

Tierney Gode Von Aesch, a student at Newton South High School,* said Webster Woods was a valuable space for children and families. She walked in the woods almost every weekend with her parents and her dog. She felt like an explorer there, truly immersed in nature. As a middle-school student, she remembered shrieking with delight at finding snakes, frogs, and salamanders in the woods. Her childhood exploration of the woods had created bonds with many people who are still her friends. She had suggested Webster Woods as her social studies class project last year. She was devastated by Boston College's purchase of the land and was concerned about the potential damage to plants and animals from the salt storage shed or further development. She knew that combating climate change could sometimes feel like a lost cause but saving Webster Woods would be a step in the right direction.

Jeff Goldman (24 Warren Street), highlighted key points from his prior letters to the CPC about this proposal. He noted that Mr. Keady, on behalf of Boston College, had made no commitment to preserving Webster Woods but had focused only on the other benefits the College provided to Newton. Unusually, Webster Woods provides a diverse ecosystem and intact forest in a location close to Boston. The College could develop or sell the land to any developer once [the current state-held restriction on its uses](#) expires. The site is important to high school and college students. Newton's previous Mayor declined an opportunity to purchase this land without consulting the community. Goldman agreed the land would have been less expensive to acquire earlier but noted that it would be even more expensive to acquire later. The state had originally sold the back, wooded land not fronting on Hammond Pond Parkway to Congregation Mishkan Tefila only to provide access to electrical power from Newton Centre; the temple had not really needed that land for its own use. Preserving Webster Woods would be a great gift to our children and to wildlife and would prevent the fragmentation of a large area of protected open space. He urged the CPC to have the foresight to support Mayor Fuller's proposal.

Jonathan Landman (17 Garner Street) said his family and dog spend a lot of time in Webster Woods, which for them was a source of serenity and joy. Reiterating the letter he had sent to the CPC, he hoped they would support the eminent domain taking, and that the City would then ensure that the site was accessible to many City residents. He thought many Newton residents might not know where the woods were or how to reach them. His access suggestions included: building a pedestrian crossing to link the public open space on both sides of Hammond Pond Parkway; adding small, well-designed parking lots along the Parkway itself; adding directional signage from Beacon Street, as well as signs with trail maps at the entrances to the woods.

John Chadis (143 Elgin Street) passed out [a series of large-format photographs](#). He commented simply that he did not want photographs to be all that was left of Webster Woods.

Barbara Bates (298 Cypress Street) said she had lived in Newton since 1975 but had only started walking in Webster Woods in the 1990s, after she retired. She felt the woods were an important health resource. As

recognized in the Japanese practice of “forest bathing,” a walk in the woods decreases blood pressure and stress and increases oxygen. Preserving Webster Woods would will protect the health of both seniors and young people.

Dawn Davis (12 Prentice Road) saw the value of the woods for their biodiversity and beauty and agreed that all generations enjoy them. She would like some light shed on why the City had declined to pursue the opportunity to purchase the land in 2015. She knew that CPA funds might be used for the purchase now but was concerned about the costs and the optics of long-drawn-out legal battle between the City of Newton a historically prominent Catholic university. She hoped there was some way to bridge the differences between the City and Boston College, to preserve their relationship.

Peter Mahoney (150 Gibbs Street) said he had grown up in Roslindale, 4.2 miles away. Now that he lives in Newton, he is always shocked and jarred by the green he sees here when he comes back from visiting his old neighborhood. He believed that responsible development could improve the City’s environmental footprint and enhance Newton’s age and economic diversity. He was a frequent visitor to Webster Woods, which he considered scarce and precious. His wife Joanne and he are 1970s graduates of Boston College. They recently received a letter from the College’s president encouraging Newton alumni to contact Mayor Fuller and support the College’s opposition to the proposed City acquisition of land at 300 Hammond Pond Parkway. The letter expressed no commitment to preserve the woods and implied that funding for this acquisition would compete with funding for other City priorities. The letter also threatened a long legal battle and the loss of the College’s previous good working relationship with the City of Newton. He considered the letter’s comparison of costs for this project with the price recently paid for the Brookline campus of Newbury College to be misleading. He believed that the College would have gotten the land it would retain at 300 Hammond Pond Parkway for a reasonable price, and that the City of Newton was making a fair offer for the land it proposed to acquire. He hoped Boston College would stand down.

Fran Yerardi (15 Oak Avenue) supported Justin Traxler’s earlier comments about the need to invest CPA funds in Newton’s athletic fields. He hoped a plan could be put in place to ensure this funding. Ingerson noted that she was happy to meet with anyone who had questions about the CPA funding process or about potential CPA proposals, and asked that people with such questions contact her directly.

Barbara Nestle (78 Leeson Lane) said her family had moved from Switzerland to London and ultimately to Newton Centre because of its greenery. She could not understand how there could be any debate about destroying nature at Webster Woods. She hoped the CPC would support preserving the woods.

Hailey and Shusha Copal, ages 13 and 11,* said they had grown up near and enjoyed Webster Woods their whole lives. The woods were a huge part of their childhoods and the childhoods of many others. Webster Woods encouraged children to develop both a love of nature and a sense of responsibility. They hoped the woods would be preserved.

Richard Heald (48 Eliot Avenue), noted that Newton’s [Open Space and Recreation Plan](#) showed that Newton Center and Chestnut Hill had the most open space per resident of any neighborhood in the city. The proposed purchase of land at 300 Hammond Pond Parkway required a very large investment, which might limit the CPC’s ability to support open space in other areas of the City that need it more. He also felt CPA funds were critical to meet Newton’s unquestionable need for affordable housing and to support other recreation projects. He encouraged the Mayor to seek another way to protect Webster Woods.

Anne Marie Steiner (31 Madoc Street) said she had moved to Newton when son was 3. Her entire neighborhood is zoned for two-family homes (zone MR-2), and many single-family homes there have been turned into two-family homes. Her family did the same, so they could afford to remain in the neighborhood. But as a result, the neighborhood’s open, green spaces have shrunk, making the preservation of Webster Woods even more important. She felt that, by spreading the proposed cost over 30 years, this land acquisition would provide a benefit lasting hundreds of years.

Tina Grant (54 Gray Cliff Road) did not want Webster Woods to be developed, but she was concerned about City using eminent domain after Mayor Setti Warren had previously declined to purchase it from the Temple, at a time when it was no secret that the property was on the market. She wondered whether the neighbors who supported this proposal would feel the same way if their own property were acquired through eminent domain. In response to her question about the basis for the \$15.2 million value in the proposal, Ingerson explained that this value came from an independent appraisal commissioned by the City of Newton. Ingerson also noted that the online proposal included a summary page from the appraisal, but that the full text of the appraisal was currently being treated as confidential.

Kartikey Trivedi (337 Linwood Avenue) believed in preserving open space, as Earth is only planet we have to live on. However, CPA as the proposed funding mechanism for this project can be used in many different ways. He agreed with previous speakers about the need to support youth athletics. He was also concerned that the new senior center (NewCAL) might take funds or land away from parks. He suggested using CPA funds for something that would directly benefit more Newton residents than would benefit from the 300 Hammond Pond Parkway purchase. He questioned whether eminent domain was a wise or necessary use of taxpayers' dollars. Preserving Webster Woods might be a want for Newton residents, but he was not sure it was truly a need.

Susan Bergman (18 Walter Street) cited a recent *Time* magazine article envisioning what the earth would be like after more climate change, without bold and brave actions of the sort Mayor Fuller was trying to take in acquiring land at 300 Hammond Pond Parkway. She felt that saving CPA funds for other purposes would be a poor decision if it meant giving up a treasure like Webster Woods for a salt storage facility. That would be an unfortunate legacy for our children. She was very disappointed that the previous mayor had not taken advantage of the previous opportunity to acquire this land. She also agreed that affordable housing and recreational facilities were important. However, she felt that if people could not breathe and have clean water, life would not be worth living.

* *Recorder's note:* To protect the privacy of the middle- and high-school students who spoke at the hearing, these minutes do not list their street addresses. However, their addresses have been verified as in Newton and are represented (without the students' names) on [the CPC website's map and list of letters and comments received about this proposal](#).

At this point Armstrong asked if anyone else was still waiting to speak. Seeing no hands raised,

VOTE A motion by Peter Sargent to close the public hearing, seconded by Susan Lunin, was adopted by a vote of 8-0.

In response to Ingerson, the CPC members collectively indicated they had no additional information to request ahead of the Committee's scheduled November 12 public meeting.

Rick Kronish was impressed by the comments of the Boston College students but wondered how representative those comments had been of all undergraduates at the College. He asked if the CPC could encourage these student groups to create a petition to represent more students' opinions. Ouida Young said this would be allowed but might not be practical, given the tight time frame. In response to Kronish, College undergraduate Kyle Rosenthal, who had commented during the hearing, said that over 1,000 students belong to various campus environmental groups at the College, and that 1,000 students at the College had signed a petition against construction of the salt shed at 300 Hammond Pond Parkway. Jen Molinsky asked the students to provide the CPC or the Newton City Council with a record of that petition.

VOTE At about 8:35 pm, a motion to adjourn by Kronish, seconded by Molinsky, was approved by a vote of 8-0

Overview of Newton's Community Preservation Program



6 November 2019

Community Preservation
Committee Public Hearing

on funding
requested for

Land Acquisition
at 300 Hammond
Pond Parkway
("Webster Woods")



Where do CPA funds come from?

(state requirements)

BONDS

Communities may borrow against future local CPA revenue but not against future state matching funds.

STATE FUNDS

% match for local revenue, from fees paid to the Registry of Deeds **Newton's most recent state match was 19%.**

Additional state funds approved in 2019 will only become available starting late in 2020.

Newton's new state match may start at 30+%.

OTHER LOCAL

Communities may also commit revenue from other local sources, to increase their state match.

Newton hasn't done this.

LOCAL SURCHARGE on real estate taxes

1 to 3%

Newton's surcharge is 1%.

Newton's 1% CPA Local Surcharge in 2019



a single-family house worth \$ 850,000

paid annual property taxes of \$ 8,882

plus a 1% CPA surcharge of \$ 89



How *may* CPA funds be spent?

(state requirements)

ALLOWABLE SPENDING PURPOSES under the Community Preservation Act				
RESOURCES → ↓ ACTIVITIES	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	LAND for RECREATIONAL USE
ACQUIRE	YES	YES	YES	YES
CREATE	YES	NO	YES	YES
PRESERVE	YES	YES	YES	YES
SUPPORT	YES	NO	NO	NO
REHABILITATE / RESTORE	YES, IF acquired or created with CPA funds	YES	YES, IF acquired or created with CPA funds	YES

CPA funds “shall NOT replace existing operating funds, only augment them” and may NOT be used for: maintenance, to purchase artificial turf, for “land for horse or dog racing,” or for a “stadium, gymnasium or similar structure.”

CPA funds may be used for capital improvements.

Real property acquired with CPA funds must be owned by the municipality, and its CPA-eligible use must be protected by a permanent deed restriction.

How *may* CPA funds be spent?

(Newton guidelines)

ALLOWABLE SPENDING PURPOSES under the Community Preservation Act				
RESOURCES → ↓ ACTIVITIES	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	LAND for RECREATIONAL USE
ACQUIRE	YES	YES	YES	YES
CREATE	YES	NO	YES	YES
PRESERVE	YES	YES	YES	YES
SUPPORT	YES	NO	NO	NO
REHABILITATE / RESTORE	YES, IF acquired or created with CPA funds	YES	YES, IF acquired or created with CPA funds	YES

core public assets – projects that would have to be funded even if Newton did not have the CPA

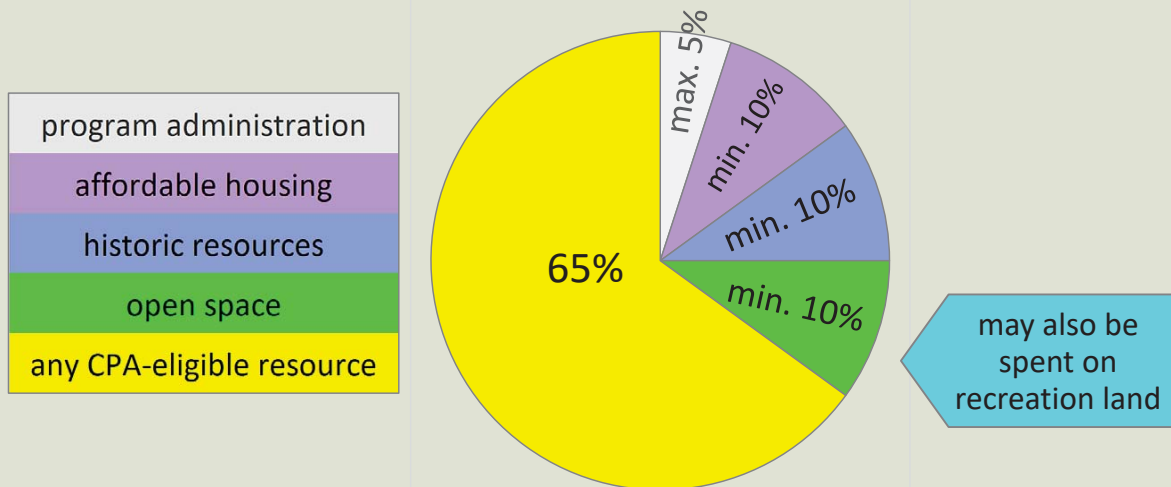
usually not appropriate for CPA funding

CPA funds may be used for capital improvements.

Real property acquired with CPA funds must be **owned by the municipality**, and its CPA-eligible use must be protected by a **permanent deed restriction**.

How *must* CPA funds be spent?

(state requirements)

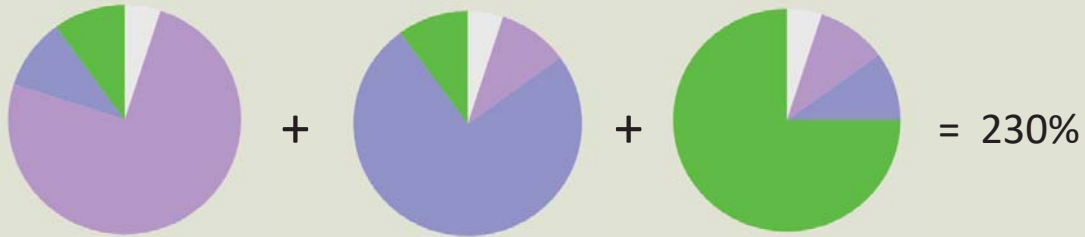


Newton's Currently Available CPA Funds (rounded)			
	Housing	Historic Resources	Open Space/ Recreation
Restricted	\$430,000	\$560,000	\$1,150,000
Unrestricted	\$12,600,000		

How *may* CPA funds be spent?

(state requirements)

The 65% may be spent on anything ... but not on everything!



How *should* CPA funds be spent?

(Newton guidelines)

flexible planning tools, not fixed quotas	affordable housing	historic resources	open space or land for outdoor recreation	
			acquisition	rehabilitation
	35% ± 5%	20% ± 5%	20% ± 5%	20% ± 5%

+5% for everything ... = **115% of total funds.**

These guidelines are based on community feedback and are updated periodically, to reflect changing community needs & priorities.

How should CPA funds be spent?

(Newton guidelines)

(\$ millions)

**TOTAL Current +
Future Proposals**
≈ \$57

5-Year Forecast
≈ \$34

10-Year Forecast
≈ \$60.7

How should CPA funds be spent?

(Newton guidelines)

(\$ millions)

**300 Hammond Pond
Parkway request**

TOTAL Current + Future Proposals ≈ \$57	affordable housing	historic resources	open space or land for outdoor recreation	
			acquisition	rehabilitation
	\$1.5	\$19.4	\$15.8	\$20.4
10-Year Forecast ≈ \$60.7				
targets – 5%	\$18.2	\$9.1	\$9.1	\$9.1
targets + 5%	\$24.3	\$15.2	\$15.2	\$15.2

The targets are not rigid quotas but flexible planning tools, to help the CPC and City Council address community needs over multiple years.