



Setti D. Warren
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

12 October 2017

The meeting was held on Thursday, 12 October 2017 starting at 7:00 pm in Newton City Hall Room 204.

Community Preservation Committee (CPC below) members present: chair Jonathan Yeo, vice chair Peter Sargent, members Mark Armstrong, Dan Brody, Beryl Gilfix, Richard Kronish, Susan Lunin, and Jim Robertson. The Parks & Recreation Commission's appointment is currently vacant.

Community Preservation Program Manager Alice Ingerson served as recorder.

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

Final Reports on Recent Affordable Housing Projects

developed by Citizens for Affordable Housing Development in Newton (CAN-DO)

[Taft Avenue](#) (West Newton)

Jennifer Van Campen, CAN-DO Executive Director, presented this report. This project converted an existing, 3-bedroom home into a two-family home by adding a two-story, 2-bedroom unit on the rear. The 3-bedroom unit will serve households at 80% of the Area Median Income (AMI), and the 2-bedroom unit will serve households at 50% of AMI, with the first tenant a formerly homeless family living in a hotel or motel.

The project exceeded its original budget by \$26,700, even after CAN-DO applied almost \$63,000 of its original \$83,000 developer fee to cost overruns and after the City of Newton committed an additional \$20,000 in CDBG funds to the project. Some change orders were required to address site and building conditions discovered during construction, especially for drainage, and the resulting construction delays increased carrying costs such as taxes, insurance and utilities.

In response to Rick Kronish and Jim Robertson, Van Campen explained that well over half of the applicants for the tenant selection lottery did not have sufficient income to cover the rent. It was particularly difficult to find homeless families with adequate income to cover rent and utilities, unless they had access to mobile vouchers. Project-based vouchers would allow for higher rents but are very difficult to get.

Jonathan Yeo commented that the finished project was an attractive building. Van Campen felt the Taft Avenue project would be a gem for the neighborhood. CAN-DO expects to receive the final certificate of occupancy soon, after some final questions are resolved for the rebuilt water and sewer connections.

[10-12 Cambria Road](#) (West Newton)

Van Campen also presented this report. This project rehabilitated an existing, 2-family home to create two, 2-bedroom units, one for a household at 80% of AMI, and one for a household at 50% of AMI, with the first tenant a formerly homeless family, as with the Taft Avenue project.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

The Cambria Road project was completed for about \$4,000 less than its original budget, though the level of renovation was high, including a new roof and a new boiler. Van Campen noted that this project was able to stay within budget in part because it was completed on its original timeline. The CPC officers had authorized releasing to CAN-DO the full amount of CPA funding originally appropriated for the project, so the \$4,000 saved from other funding sources could be allocated to the project's replacement reserve.

Van Campen explained that 290 people had applied for this tenant selection lottery in the summer of 2017, about three times as many as applied for the Taft Avenue lottery a few months before. Of the Cambria Road applicants, 88 were homeless. However, as with Taft Avenue the Cambria Road lottery had to go down almost the whole list to find a homeless family with a voucher who could thereby afford the rent. In the end, Van Campen was "surprised and pleased" that CAN-DO was able to serve one homeless family at both Taft Avenue and Cambria Road.

In response to Kronish, Van Campen said both projects were providing supportive services through very part-time case management by a social worker. CAN-DO is looking at options for combining forces with other programs and service providers.

In response to Jonathan Yeo, Van Campen said the two projects' operating budgets would break even, though in such small properties, any significant vacancy could create a temporary operating deficit. Though the discussion was not a public hearing, Yeo also recognized Mr. Michael Lepie, who thought both projects being reported on were 3-4 years old, and doubted that either project could cover its operating costs in the long term. Van Campen reiterated that both projects' projected rental revenue covered their projected operating costs, in part because neither project has a mortgage or debt service. (Staff note: The City Council voted to appropriate CPA funds on 6 April 2015 for Taft Avenue and on 19 April 2016 for 10-12 Cambria Road.)

Robertson said he would like to see future projects subsidized deeply enough so they could be rented to income-qualified households without vouchers. He felt that using vouchers in subsidized, deed-restricted housing was almost a waste, if these vouchers could otherwise go to a family renting an unsubsidized unit, though he also acknowledged that most mobile vouchers are used in Dorchester, Mattapan and Roxbury, rather than in Newton or Brookline.

Van Campen said vouchers used in Brookline and Newton were mostly used in deed-restricted housing. MetroWest Collaborative Development, for which she is also the executive director, had found that tenants with mobile vouchers cannot use them in much of Eastern Massachusetts except in already subsidized, deed-restricted housing. Kronish said that though some vouchers issued by the Newton Housing Authority were used outside Newton, most that were used in Newton were being used in units that were not deed-restricted. However, most of these tenants were very stable and had moved into their current housing a long time ago.

Peter Sargent said it was a wonderful goal to help homeless families live and pay rent in Newton, but he felt this could only be achieved with vouchers, and that it worked best in larger developments with supportive services. Robertson acknowledged that a family of 5 with an annual income of around \$60,000 could never have lived in Newton otherwise. If that family used a voucher to rent a unit that had also been subsidized through Newton's CPA program, this did accomplish the program's purposes.

Van Campen also explained that CAN-DO was conducting a capital needs assessment for its entire portfolio, which should be completed in November 2017. Based on that assessment, the organization may propose to refinance parts of its portfolio. Ingerson encouraged Van Campen to share both this overall assessment and any resulting overall strategies with the CPC and City Council, as well as the Planning Dept., since Newton's CPA, CDBG and HOME funds have been a primary funding source for CAN-DO over the years. Kronish hoped that the next presentation to the CPC would be from the broader organization created by the affiliation between MetroWest Collaborative Development and CAN-DO, not just CAN-DO alone.

COMMITTEE BUSINESS

review of existing CPC deadlines and policies for late submissions

After a brief discussion of a staff memo on this topic (attached), the Committee agreed by sense of the meeting to continue the current policies. These policies discourage forwarding individual submissions received after the packet deadline to the CPC as received, one at a time. They also allow for staff discretion in handling late submissions, while aiming to ensure that all late communications about a given topic are treated in the same way, regardless of their viewpoint (in favor of or against a particular proposal, for example).

oral report from "CPA & Cities" conference (Somerville, 16 September 2017)

On 16 September 2017, Ingerson and CPC member Dan Brody both attended a day-long conference organized by the Somerville CPA program for all cities that have adopted the CPA. Ingerson thought the peer-to-peer communication at the conference was helpful. Communities had shared their current practices and questions while also recognizing that what worked for one community might not work for all.

In some other CPA cities, Ingerson reported that the key discussions are not about individual projects but about the annual CPA program budget. Cambridge and Somerville, for example, use their budgets to allocate a share of annual CPA funds directly to their affordable housing trusts: in Cambridge to date, 80%; in Somerville to date, usually 40%. As a result, neither the CPC nor the City Council in these two communities discusses individual housing proposals. Robertson agreed with Ingerson's memory that, in past discussions, Newton's CPC had questioned whether a housing trust would be efficient in Newton, as long as experienced real estate professionals were already reviewing housing proposals, either through the CPC or through the former Newton Housing Partnership, and if Newton's City Council did not delegate to the trust the sole authority to allocate CPA funds for housing.

Some other CPA communities, also including Somerville and Cambridge, had used CPA funds to support the restoration of privately owned historic buildings. Most of these buildings were open to the public and used for community programs, but a few were private homes. Ingerson thought Newton probably was not yet ready to fund private homes, but noted that the CPC could revise its future funding guidelines to allow this, when or if it felt that all historic buildings with more direct public uses and benefits had already been preserved. Robertson thought Newton's program should focus CPA funding on historic buildings where the public could protect its investments through permanent rights or liens, such as historic preservation restrictions.

Brody had been struck by the conference's scarcity of open space conversations, since most cities had few opportunities to acquire open space. Ingerson thought most open space or outdoor recreation projects in CPA cities focused on rehabilitation rather than acquisition. She felt a key challenge for these projects was finding a project sponsor whose interest and commitment would persist as long as the CPA-funded site improvements were expected to persist. This was sometimes not the case for groups of volunteers, however well-intentioned. Of the several early "outdoor classroom" landscape projects sponsored by PTOs that Newton's CPC had funded at elementary schools, for example, some had not been maintained, the role of CPA funding had been forgotten at others, and some had been displaced by subsequent school construction. However, the Public Buildings Department had assured her that the small CPA-funded small outdoor granite amphitheater at Cabot Elementary School would be reassembled somewhere on the site, once that school was completed.

possible revisions to [Community Preservation Plan](#) funding guidelines

Ingerson explained that the changes she had suggested to these guidelines were intended to update the CPC's target funding allocations and to clarify the Committee's expectations for non-CPA matching funds. Yeo noted that the CPC's target allocations were intended as flexible, multi-year averages, rather than annual quotas. Robertson noted that these guidelines could be used not only to advise proposal sponsors but also to help the CPC itself make decisions, since it was always difficult to say no.

Ingerson had suggested new categories for evaluating the "CPA appropriateness" of proposals, with different minimums of non-CPA funding for each category:

project categories	CPA appropriateness & funding leverage
special public resources and public-private partnerships: publicly or privately owned assets that benefit all Newton residents & neighborhoods, including housing that is both deed restricted to ensure permanent affordability and proactively marketed to all eligible households	highest priority for CPA funding, with at least 30% of costs covered by other sources
limited-benefit public resources: publicly owned assets that benefit only some Newton residents or neighborhoods	lower priority for CPA funding, with at least 60% of costs covered by other sources
core public resources: publicly owned assets that the City of Newton would have to maintain even if Newton had not adopted the CPA	with rare exceptions, not appropriate for CPA funding
The primary exception is the rehabilitation of public historic resources: CPA funding may be appropriate for the cost difference between conventional/lowest-cost and historically appropriate methods or materials.	
limited-benefit private resources: privately owned resources that benefit only some Newton residents or neighborhoods	not appropriate for CPA funding

Robertson and Sargent both preferred to phrase expectations for non-CPA funding also as flexible targets, rather than as fixed minimums.

Ingerson had also compared the proposed new categories to past projects. Most City recreation and historic resources projects had included no non-CPA funding; most housing projects had come close to 50% non-CPA funding, if CDBG and HOME funds counted as non-CPA; and most private historic projects had included close to or more than 50% non-CPA funding.

However, Ingerson did not think the future guidelines should be based on past decisions. Recent averages were consistent with the current allocation targets, for example, but if actual averages departed significantly from the targets, that might be a signal to revise the targets. Partly in response to recent proposals, Ingerson's current draft recommended increasing the housing target allocation slightly, from 30% to 35%, in both cases $\pm 5\%$. Sargent and several other members agreed that housing was a critical, high-priority use of CPA funds.

Ingerson noted that the CPC should hold a public hearing on any proposed changes before voting to adopt them. Yeo hoped the CPC would adopt its revised guidelines before the next Mayor took office. He asked all CPC members to send further comments or suggestions to Ingerson for the public hearing version.

In response to CPC members' questions, Ingerson said she would circulate links to additional information on the City website about potentially CPA-eligible projects for the former Newton Centre Library, the 70 Crescent Street site and Webster Woods. (See list of links attached.) Brody and Susan Lunin both felt that Webster Woods should be a high priority for open space acquisition funding. In response to Mark Armstrong's question about whether the CPC should proactively encourage specific potential proposals, other members noted that if some CPA-eligible project could be completed without CPA funds, more CPA funds would then be available for other projects.

Based on a motion by Lunin, seconded by Armstrong, the minutes for 14 September 2017 were approved with some noted corrections by a vote of 8-0.

The Committee then adjourned by consensus at 8:20 pm.



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Barney S. Heath
Director

staff to Newton CPC
deadlines & late communications

20 September 2017
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Community Preservation Committee
MEMORANDUM

date: 20 September 2017
from: Alice Ingerson, Community Preservation Program Manager
to: Community Preservation Committee
about: **current deadlines & policies for late communications**

CURRENT DEADLINES (from longest to shortest)

*If time is tight, start at ** below, most other policies seem to work fairly well.*

- ♦ **Annual-round funding requests:** Full proposals invited for the annual round are due in late September/early October, for public hearings starting in November. This gives the public 4-6 weeks' access to each proposal before its hearing and should allow anyone who cannot attend the hearing to submit written comments to the CPC through the pre-hearing/ meeting packet (see deadlines below).

Full proposals are invited only after discussion of pre-proposals, which are due by any monthly packet deadline, with an annual cutoff 4-5 months prior to the annual full proposal deadline. If multiple pre-proposals are submitted just at the cutoff, these deadlines allow the CPC to discuss those pre-proposals over 2-3 meetings, while still giving the sponsor of the even the last pre-proposal discussed time to work on a full proposal before the fall full proposal deadline.
- ♦ **Off-cycle (out of round) funding requests:** Accepted through rolling deadlines intended to provide approximately the same advance public notice and access as for annual-round requests. Off-cycle full proposals are due at least 1 month prior to their requested public hearing date, with their pre-proposals due by any preceding packet deadline that allows the sponsor to meet the targeted full proposal deadline.
- ♦ **Pre-meeting/hearing packets:** Monthly deadlines for the full year are published on the CPC's online calendar. Written agenda requests and materials are due at least 10 days before the CPC meeting, so the final agenda and materials can be posted online at least 1 week prior to the meeting. These deadlines provide significantly greater public notice and access than the 48-working-hours' notice required by state public meetings law, which in any case applies only to agendas (there is no requirement to post meeting materials in advance). These early CPC deadlines also allow us to announce agendas in print publications with early deadlines (such as the *Newton Tab*).

** **Communications that miss packet deadlines:** Case-by-case, based on the following principles:

website www.newtonma.gov/cpa
contact Alice E. Ingerson, Community Preservation Program Manager
email aingerson@newtonma.gov phone 617.796.1144

Preserving the Past  Planning for the Future

Continued
on p. 2.

- a. Rather than forward and post late communications as received, one at a time, combine all late communications in a single email to the CPC/ update to the online packet, at least 48 working hours before the meeting (based on the state's 48-hour public notice requirement for agendas).
- b. For communications received less than 48 hours before the meeting, advise submitters that the CPC usually cannot take time to read, digest and ask questions about significant information submitted at the last minute, but offer the following options, as appropriate: submit late information in a form that can be projected at the meeting for all attendees to see; bring 15 printed copies to the meeting, enough for both the CPC and at least some members of the public; or defer forwarding and posting the information to the next pre-meeting packet.
- c. Explain policies a. and b. only as needed. If these options were announced in advance, many communications would surely be submitted just 48 hours before the meeting, and many fewer would be submitted for the packet. This would in turn undermine the CPC's long-established goal of maximum feasible public notice and public access.
- d. Apply the same procedures/offer the same options for all late communications about a given agenda item, regardless of their content or viewpoint.
- e. **PROPOSED NEW POLICY:** If many or very significant communications are received less than 48 hours before the meeting, or if staff decisions based on a.-d. above are controversial, report this at the CPC meeting and recommend continuing the relevant agenda item(s) to the next meeting, so all late communications can be forwarded and posted in advance of the CPC's discussion.

CHALLENGES

I feel that the policies above reasonably balance transparency, fairness and efficiency. However, because they leave room for staff judgment, they also create some challenges.

In particular, for controversial projects both supporters and opponents often submit letters to the CPC after the published deadlines, frequently less than 48 hours (or in some cases, less than 10 minutes) before the meeting. When these letters are for pre-proposals, I typically ask both sides to hold these letters until a full proposal is invited, for several reasons:

1. Pre-proposals serve their intended purposes best if they are (reasonably) short, and if the CPC's discussions of them do not become "pre-hearings," which anticipate or duplicate the CPC's public hearings on the related full proposals.
2. Letters seem more effective and useful when the CPC receives them with or soon after the full proposal, rather than weeks or months in advance.
3. If project supporters honor a staff request to hold letters of support until the full proposal stage, it then feels unfair to forward letters of opposition to the CPC at the pre-proposal stage, especially since these letters are almost always late -- because they are written only after reading the pre-proposal posted with the packet. Yet project opponents also feel it is unfair to forward their letters about a pre-proposal to the CPC only after the pre-proposal discussion.

Late communications for your 14 September 2017 meeting illustrated all of these challenges. I would welcome suggestions for alternative policies that would be fairer or more effective.

From: Alice Ingerson
Sent: Friday, October 13, 2017 12:55 PM
Subject: web links for Newton CPC (70 Crescent St., 1294 Centre St., Webster Woods)

Dear CPC,

Below are the web links mentioned/requested at your meeting last night. They are repeated (and should be clickable) in the attached PDF. Please let me know if you have any trouble using them!

Alice

70 CRESCENT STREET (previously Newton Parks & Recreation Headquarters)

2016- present [Current housing & playground expansion project](#), incl. preliminary design images for the housing component

2011-15 [City process for deciding future use](#), incl. report from Joint Advisory Planning Group (JAPG) of appointed volunteers (incl. J. Robertson & M. Armstrong)

1294 CENTRE STREET (originally Newton Centre Library, later Newton Health Dept.)

2012-present [City process for deciding future use](#), including 2012 JAPG report and 2016 City RFP
[Direct link to proposal chosen through 2016 RFP](#);
City press release & preliminary site plan images also included in attachment to this email)

2012-15 [Board of Aldermen/City Council webpage](#) (overlaps with Planning Dept. page above)

2004-08 [CPA-funded historic assessment of this building](#)

WEBSTER WOODS (300 Hammond Pond Parkway, previously Congregation Mishkan Tefila)

2017-present [City webpage, including staff memo & link to new appraisal](#)
[Direct link to new appraisal](#)