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Community Preservation Committee

MINUTES

9 January 2014

Candace Havens
Director

The meeting was held on Thursday 9 January 2014 at 7:00 pm in Room 209 of Newton City Hall.

Community Preservation Committee (CPC below) members present: chair Joel Feinberg, vice chair Jim Robertson, Leslie Burg, Don Fishman, Mike Clarke, Beryl Gilfix, Laura Fitzmaurice. Members Dan Green and Tom Turner were absent.

Community Preservation Program Manager Alice Ingerson served as recorder.

COMMITTEE BUSINESS

Ingerson noted that the Committee's funding recommendation for the Myrtle Village housing project will be discussed by the Board of Aldermen's Land Use Committee on Tuesday, 4 February 2014.

Ingerson also summarized the current status of Newton's active CPA-funded projects, using the latest report on the program's website.

After a motion by Don Fishman, seconded by Leslie Burg, the minutes of the CPC's 4 November 2013 public hearing and public meeting were approved by a vote of 7-0.

PUBLIC HEARINGS

Allen House (West Newton, historic resources), CPA request \$2,000,000, total cost \$4,750,000

Adrienne Hartzell presented for the project sponsor, the Newton Cultural Association (NCA), and introduced NCA board members Kay Kahn, Tom Concannon, Laurel Farnsworth, Sachiko Isihara, David Ennis and Karen Solomon. Ennis is focusing on financing strategy, using his extensive experience with nonprofit projects, particularly affordable housing. Solomon is focusing on fundraising. She recently ran capital campaigns for the North Bennet Street School and the Boston Conservatory.

NCA was formed in 2005 and incorporated in 2009 as an umbrella for Newton performing arts organizations, partly to develop a shared facility for its members. NCA acquired the Nathaniel Topliff Allen House in November 2012, with the intention of developing it as that facility.

The Allen House, at Cherry and Webster Streets in West Newton, is an official Newton Landmark. The earliest part of the structure dates from about 1850, and the most recent major addition was made in 1915. It was the home of noted educator Nathaniel Allen and was a stop on the Underground Railroad. Allen's school, on a separate site in West Newton Square, aimed to educate the "whole child." It enrolled students from nearly every state and 40 countries. Allen pioneered in co-education, racially integrated education, early education (the first real kindergarten in the United States), and physical education (America's first secondary school gymnasium). Some of the school's boarding students lived at Allen's home, which also provided extra classroom space until his death in 1903. His daughters then ran the house as a girls' school until 1943. In return for an investment of about \$400,000 of Newton's federal CDBG funds between 1977 and 1987, the building was divided into rental apartments, which were required to meet federal affordability standards for 15 years; and the City of Newton acquired a permanent preservation restriction on both the exterior and the

landscape. Hartzell showed photographs documenting the building's current state of significant disrepair, with leaks, peeling paint, and structural deterioration, especially on the porches.

NCA will use the building for music teaching, public lectures and concerts. Spaces will be rented to the community for compatible uses. The Suzuki School of Newton currently plans to use the building for both its regular program and a pre-school. The Newton Historical Commission has approved NCA's conceptual plans for the building. The Inspectional Services Commissioner has approved a parking waiver, since the planned educational use is permitted by right in a residential neighborhood.

Hartzell and architect Linda Pardus-Goodman explained that the first floor will be primarily for public use, including the pre-school in the attached barn. Smaller rooms on the second floor will be used for rehearsals, teaching, and conferences. The historic 2-lane historic bowling alley on the barn's top floor will be preserved. The building's 2 commercial kitchens and more than the required number of its 13 bathrooms will be accessible. An elevator will connect the basement of the barn to the second floor. The third floor will not be accessible but will be used only for offices. NCA's plans have been approved by the Massachusetts Architectural Access Board (MAAB).

David Ennis noted that the total project cost in the slide presentation was slightly higher than in the submitted proposal, but that the CPA funding request has remained the same. The construction contingency has been increased from about 7.5% to 15%. The budget includes a half-year of debt service at \$50,000. A developer fee of about \$300,000 is included because one is required to qualify for historic tax credits, but NCA will reinvest most of that fee in the project, and none of the requested CPA funds would go toward the fee. By late February NCA should be able to confirm the final budget after review of the plans by contractors. Joel Feinberg and Ingerson asked NCA to send the final budget to the CPC at least 2 weeks before their first working session on this proposal.

Other major funding sources include about \$700,000 of historic tax credits through the Massachusetts Historical Commission. As expected, NCA's first application for these credits was not accepted, but the state comments on it were encouraging, and a final decision is expected in April or August 2014. Other sources include \$600,000 of foundation grants and private donations in addition to \$300,000 already raised, a Massachusetts Cultural Facilities grant of about \$250,000, and both a pre-development loan and a mortgage through the Village Bank. The mortgage is contingent on negotiating a lease with the Suzuki School or another anchor tenant.

NCA hopes to begin construction in July 2014 and have the building ready for occupancy by July 2015. Feinberg noted that CPA funds could not be released before final costs and all required funding sources are confirmed. Ennis asked the CPC to consider allowing release of CPA funds as soon as the historic tax credits and bank mortgage are finalized.

CPC Comments & Questions

Feinberg noted that the building's listing on the National Register of Historic Places was critical to its eligibility for tax credits. In response to Feinberg, Hartzell confirmed that because of its educational use, the project did not need zoning relief and that the building would be exempt from property taxes on the same basis.

Leslie Burg considers the building a gem that truly deserves to be rescued and made usable for the community. In response to Burg, Hartzell explained that her background in music, in arts administration, and in law had been useful for working with the state attorney general's office during the acquisition process. At the request of the NCA board she had agreed to serve as their acting executive director for the duration of this project, but she preferred not to accept another

permanent position in addition to serving as the part-time executive director of Newton's New Philharmonia orchestra. In response to Joel Feinberg, Hartzell explained that a professional construction manager will be hired to oversee that work.

In response to Burg, Ennis explained that the final cost of de-leading will not be known until a full lead paint report is completed. The full exterior and parts of the interior that will be used for the pre-school must be de-leaded, but this may not be required in other parts of the building.

Jim Robertson noted that although this was the most expensive proposal discussed by the CPC since he joined the committee, it was also the most thorough. Robertson asked for final confirmation of square footage, but based on Hartzell's and Ennis's estimate of 13,400 usable square feet, he considered the projected construction costs of \$230 per square foot reasonable. However, he also thought the City's new policy requiring public procurement of all work on private projects receiving partial CPA funding might increase overall costs. Feinberg thought the same policy would also make it difficult to meet the project's intended timeline. Ingerson suggested that NCA propose to the City's Chief Purchasing Officer (CPO) a procurement process that they felt would best serve their project, since the City's policy allows the CPO to consider approving alternatives to the standard City process. She also suggested that NCA Board and staff read the online grant agreement for the Durant-Kenrick project, for other requirements that might apply to CPA funds for Allen House.

Robertson thought the project's budget for debt service seemed high. Ennis said the loan had not yet been negotiated, and that NCA hopes to pay only interest during construction. For the working session with the CPC, in addition to a final budget Robertson asked NCA to break out and explain both debt service and soft costs in greater detail.

In response to Mike Clarke, Hartzell explained that the historic bowling alley will be preserved, but will not be accessible via the planned elevator.

As a Historic Newton board member, Beryl Gilfix had heard people talk about saving the Allen House for many years, but this was the first concrete step taken toward that goal. She felt it was particularly appropriate to use the house for music teaching and small arts groups.

In response to Feinberg and Burg, Hartzell confirmed that the building's only permanent tenant would be the Suzuki School, with which NCA would begin negotiating a 10-year, renewable lease shortly. Other groups would pay fees for the use of particular rooms. The lower-level of the barn will open onto the landscape, so it could accommodate small indoor/outdoor weddings. About 50-70 people could be seated for a concert in the large double parlor. The building may also host art shows.

In response to Feinberg, Hartzell acknowledged that the submitted operating budget did not include a replacement reserve. The listed "property manager" will focus on managing the building's uses rather than physical facilities.

Public Comments & Questions

Lynn Cadwallader, Ph.D. had done her dissertation research on Nathaniel Allen in using records at the Allen House in the late 1970s, when the house was a 36-room time capsule. Allen not only pioneered progressive education long before the Progressive movement, he also played a key role in the professionalization of education, working closely with Horace Mann, teaching at Massachusetts' first "normal school" for teacher training, and serving as one of the first officers of the Massachusetts Education Association. The house is internationally significant for its association with the history not only of education but of abolition, women's rights, and the peace movement. She was very excited to know that the building may be saved by putting children back into it.

Newell Flather noted that the records mentioned by Cadwallader had been preserved, with some accepted by the Massachusetts Historical Society (MHS). Hartzell explained that NCA had retained the right to display copies of materials archived by MHS. Flather first became involved with the Allen House in the early 1980s, when he led a tour of the house for the trustees of the Mabel Louise Riley Foundation, which made the first major grant for the property. He believes the Riley Foundation and other foundations will contribute to the current project. He was thrilled to learn that the Community Preservation Act was available as a resource for such projects.

Lucia Dolan summarized comments from the League of Women Voters. Overall the League supports the project. The proposal's large proportion of funding from non-CPA sources helped to balance its very large CPA request. The League hopes that the trees to be removed are truly diseased. Some readers were concerned about investing such a large amount of public funding in what will essentially be a private building and agreed that the space should be made available to community groups for concerts and other public events, for a fee. League readers were concerned that the building opens for public use, the 26 approved on-site parking spaces will not meet the demand. They suggested exploring shared parking with other public facilities in the area. Hartzell noted that the City had agreed to consider a different parking plan if a need could be demonstrated, but that the City's preservation restriction on the property caps on-site parking at 40 spaces.

Patricia Papa said that in the 1970s Helen Levy, head of the small foundation that then owned the Allen House, allowed her to read some of letters that Allen encouraged his students to write to him. To the reasons for historic significance already mentioned, she added Allen's outlawing of corporal punishment, having students keep daily journals, holding Friday night current events discussions, student swimming in a pond near the current site of Warren House on Washington Street, and Allen's association with the Pomroy Home for Orphan Girls in Newton Corner. She feels the house needs to be restored and maintained, and that a pre-school will make it economically sustainable. Groups other than Suzuki can fill that slot if needed. Medford has succeeded with a similar project.

Aldermen Ted Hess-Mahan strongly supported the project, both for its significance to the City of Newton as a whole and as a member of the First Unitarian Society of Newton, of which Nathaniel Allen was a founder. An earlier proposal to develop the building as luxury housing would have eliminated public use and access. Like some CPC members, he was concerned about the potential impact on the project's costs and timeline of the City's current procurement policy.

Robert Conley no longer lives near the Allen House but knew that the building had suffered from serious dry rot since the 1980s. All the plumbing and wiring must be redone, and sprinklers will be required for the intended public and educational uses. He did not support the use of CPA funds for this very expensive project and urged NCA to use only federal and state funds instead.

Susan Brigham lives across from the Allen House on Cherry Street. She is thrilled by the proposed project. She believes it is practical based on the model of a similar project in Wellfleet, where the community raised funds to convert an old Catholic church in very poor shape into an arts and cultural center. That project has far exceeded expectations: the building is continually busy, attendance is very high, and once the doors opened, many more community funds were contributed.

Cindy Stone supported the proposal as Executive Director of Historic Newton, which feels it cannot and should not own every historic property in Newton. Historic Newton will use the Allen House for activities, and will create an exhibit about Nathaniel Allen that can be transferred from the Jackson Homestead to the Allen House. Like the Durant-Kenrick project, she believes the Allen House project will be able to raise funds from private, state and federal sources to match its CPA funding.

Burg recognized two other Aldermen present, Alison Leary and Vicki Danberg. Leary said she had come only to listen and learn. Danberg was a founding member of the NCA Board and expressed support for the project from Aldermen Jim Cote, who was unable to attend. Ingerson noted that Alderman Cote had also sent a letter of support, which she would forward to the CPC.

Historic Burying Grounds Phase 3 (Newton Centre, historic resources),
CPA request \$290,207, total cost \$326,6483

Cindy Stone, Executive Director of Historic Newton, made this presentation. She introduced several Board and staff members of Historic Newton: Harry Lohr and Sheila Donahue (members of the volunteer Historic Burying Grounds committee), Sara Goldberg (archivist), Bridget Jeffs (administrative assistant), as well as consulting engineer Stephanie Davis of Structures North and Marc Welch, Newton's Director of Urban Forestry.

Stone explained that CPA funds have supported work at the Burying Grounds for the past 11 years. Major tree work has been completed and gravestones repaired at all three sites, and tombs have been repaired at the South Burying Ground. In response to Feinberg, Stone noted that the public can currently enter both the East Parish Burying Ground (Centre & Cotton Streets) and the South Burying Ground (Winchester Street), where the fence bordering an abutting parking lot was removed. West Parish Burying Ground (Cherry Street) is not yet open for safety reasons.

Stone explained that the approximately \$60,000 of remaining funds from prior CPA appropriations would be used for additional tomb repairs. Historic Newton and Structures North are certifying the qualifications of the low bidder before signing a contract for this work. The current proposal requests funds for additional tomb repairs and tree work at the East Parish Burying Ground. Stone and Welch explained that the initial CPA-funded tree work a decade ago helped to compensate for several decades of neglect. The work needed now is more intricate and includes the removal of trees and brush growing through the boundary fences. Stephanie Davis explained that the brownstone tops or legs and brick walls of several tombs need to be rebuilt and cleaned, so the inscriptions can be read.

Stone noted that the Burying Grounds are maintained by the City's Parks & Recreation Department. Lohr estimated that hundreds or thousands of volunteer hours had been invested in annual cleanups at all three sites. He explained that Historic Newton is grateful for past CPA funding and is requesting additional CPA funds only for work that cannot be done by volunteers.

Public Comments & Questions

Alderman Yates supported the project. He felt that the planned tomb repairs and tree work were both necessary.

Lucia Dolan said that the League of Women Voters supported the project and were impressed by Historic Newton's long commitment to these sites. However, they wondered if additional funds could be raised from non-CPA sources such as Boston College, which faces the East Parish Burying Ground on Centre Street.

CPC Comments & Questions

In response to Laura Fitzmaurice, Stone, Jeffs, Goldberg and Lohr all described Historic Newton's extensive efforts to interpret these sites for the public, including walking tours and both printed and online maps and lists of burials. The inclusion of all three sites on the National Register of Historic Places reflects both their association with people significant in local and national history and their historically significant gravestone art, some of which dates from the Puritan period.

In response to Feinberg, Robertson and Fitzmaurice, Davis explained that most of the below-ground vaults, which can be 10 feet deep, are in relatively good shape. Repairs are needed mostly to the above-ground structures. If graves must be opened to make these repairs, playground sand is used to completely cover the remains, protecting both them and the workers. No excavation is done without an archaeologist. Archaeological work would increase project costs significantly.

Burg was concerned that the listed project managers/contacts - Stone herself and Jeffs as her assistance - did not have training or expertise in construction management. She suggested listing Frank Nichols of the City's Engineering Division as a contact, since he has contributed that expertise to recent work at the Burying Grounds and is listed in the proposal as doing so for this next phase.

Robertson was concerned that the budget as submitted showed about 27% of total project costs for management staff time, compared to the norm of 10-15% for construction projects. Though CPA funds would not be used for this cost, he wondered whether the project could be managed more efficiently than the submitted budget seemed to imply. Given the history of delays on past work at these sites, Alderman Yates recommended budgeting too much rather than too little staff time for the next phase. Stone said she would have more time for future Burying Grounds projects than she had in the past, once fundraising for the Durant-Kenrick project has been completed.

Robertson, Clarke and Burg were concerned that the proposal as submitted did not distinguish clearly between CPA-eligible preservation and CPA-ineligible maintenance. Robertson noted that the CPC had raised this concern when discussing the pre-proposal, particularly for tree work. Clarke felt CPA funds should not be used to remove trees that would not have grown in their current locations if the grass had been mowed appropriately in the past. He felt that recommending CPA funds for such work would only encourage work that should be done as regular preventive maintenance, with City operating funds, to be done instead only every 10 years, with CPA funds. Burg suggested that it might be appropriate to use non-CPA City funds for such regular, predictable work.

In response, Stone said she felt that listing the CPA as a funding source in the City's *Capital Improvement Plan (CIP)* was appropriate, particularly for public amenities that are key parts of Newton's community character, but that are not used for core public services and do not constitute unavoidable threats to public health or safety. Alderman Yates supported this view.

In response to Feinberg, Ingerson said that in request to a past CPC request for guidance on this issue, the Newton Law Department had provided a detailed memo concluding that this distinction was inevitably difficult to make, and that it was ultimately up to the CPC to make it in particular cases. She offered to send Stone and Welch the definitions of CPA-eligible "capital improvements" and CPA-ineligible "maintenance" that had been added to the text of the Community Preservation Act in 2012.

Robertson shared the League of Women Voters' concern about the project's exclusive reliance on CPA funds. He felt that if the community at large truly supported the project, it should be possible to raise other funds. Fitzmaurice suggested approaching groups such as the Daughters of the American Revolution for donations. Stone agreed that it might be possible to find additional funding sources, including Boston College or the Society of the Cincinnati (founded by veterans of American Revolution). She noted that Historic Newton already planned to request support from the Massachusetts Historical Commission's Preservation Projects Fund.

After closing this public hearing, the meeting was adjourned by committee consensus at 9:30 pm.