



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

Candace Havens
Director

Community Preservation Committee

MINUTES
22 May 2012

The meeting was held on Tuesday 22 May 2012 at 7:00 pm at the Bowen School, 280 Cypress Street, Thompsonville.

Community Preservation Committee (CPC) members present: Leslie Burg, Joel Feinberg, Zack Blake, Michael Clarke, Nancy Grissom, Thomas Turner, Jim Robertson. Absent: Wally Bernheimer, Dan Green.

Also present: Aldermen Lisle Baker and Ruthanne Fuller. Approximately 15 members of the public also attended.

Program manager Alice Ingerson served as recorder.

Committee Chair Leslie Burg opened the meeting at 7:05 pm.

PRESENTATION: Happy 10th Birthday, Newton CPA! Focus on Newton Centre, Thompsonville & Chestnut Hill (Wards 6 & 7)

Chair Leslie Burg explained the format of these events: a PowerPoint presentation, followed by audience discussion/Q&A and an "open house" with refreshments. She asked everyone to record their attendance on one of the circulating signup sheets, and to consider filling in and submitting a survey, at the meeting or online.

Vice chair Joel Feinberg presented an overview of the Community Preservation Act: a short history of the state law & Newton's adoption of it; fundable resources & actions; the prohibition on using CPA funds for operating expenses, including maintenance; sources of local & state funding; the roles of the Community Preservation Committee and Newton's Board of Aldermen in the funding process; and the currently proposed amendment to the CPA, which would mandate that state funds match at least 75% of the revenue raised locally, and allow for the rehabilitation of recreation land not created or acquired with CPA funds in the first place.

Alice Ingerson then reviewed the work done by Newton's CPA program since fy2002, including sources of funds and the funding forecast for the next 5 years; the balance of yearly and cumulative appropriations among the fundable resources; and specific projects funded in the focus neighborhoods.

Ingerson then presented a series of maps and graphs illustrating the idea that "community preservation is making choices about change," starting with historic photos showing how Newton

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

Centre, Thompsonville and Chestnut Hill have changed since the mid- 19th century, but also including: the turnover of real estate around the City from before 1980 to the present, coded by decade; the growth of Newton's village centers and development in those parts of the City outside village centers; current housing values and needs; the distribution of both current buildings by their approximate date of construction and of recent demolition permits in the City; the loss or re-engineering of the City's historic wetlands and streams; the sub-watersheds that link Newton neighborhoods to each other and to the Charles River; and the present distribution of parks, playgrounds and conservation areas.

DISCUSSION

At approximately 7:35 pm, Burg invited audience questions and comments, with a special focus on funding priorities for this part of the City over the next 5-10 years. Speakers are identified here by both name and the title of any previous CPA-funded projects or organizations with which they were closely associated, whenever possible.

In response to a question from Newton Historical Society incoming president Carl Cohen, Burg and Ingerson summarized the composition of Newton's CPC, including the 5 appointments governed by the state statute and the additional 4 covered by Newton's ordinance.

Newton Historical Society board member Jay Walter asked whether Newton's CPC had identified local funding priorities or a desirable balance of funding among the eligible resources. Burg explained that over the summer the CPC would begin revising its current *Funding Guidelines* and *Funding Priorities*, developed after the previous series of community meetings in fall 2008. Ingerson emphasized that the new guidelines would not be finalized until after the last community meeting in the current series, scheduled for October 3.

Feinberg noted that the CPC would be responding to priorities for CPA-eligible City proposals that were prioritized through Newton's new *Capital Improvement Plan (CIP)*, and that it had recently discussed a pre-proposal to set aside more than the mandated minimum 10 percent annually for housing, perhaps by establishing a municipal affordable housing trust. Ingerson and Burg added that the Committee was aware that valuing all the eligible resources equally did not necessarily mean dividing funds equally among them, since projects that involve buying land – mostly for housing or open space – usually cost more than projects that did not involve buying land.

Jackson Homestead Director Cindy Stone felt that the CPC's priorities should differ from those in the *CIP*, which assigned priorities based mostly on risks to life and safety. Alderman Ruthanne Fuller also thought the CPC should consider encouraging the early submission of certain City proposals even if they were assigned a relatively low priority in the *CIP*. Alderman Lisle Baker agreed. He felt that the CPA was intended to fund things that would almost always be a low priority in the City's regular budgets. As an example, he cited the replacement of fluorescent-tube lighting in the public areas of City Hall with reproductions of the building's original, historic 1930s fixtures. He felt this made a difference in the experience of every citizen who visited City Hall.

Baker felt that in the past the CPA had been especially valuable for acting on open space acquisition opportunities, which could not always be anticipated and tended to disappear quickly. He felt the CPC's new requirement for pre-proposals would make it harder to take advantage of such opportunities, unless the CPC explicitly set significant funds aside for unknown future projects. Burg and Grissom noted the CPC's current policy of holding about one full year's worth of funds in reserve, for projects involving any eligible resource.

Ingerson felt that the availability of CPA funding in Newton had already lead the City's *CIP* to include "cultural capital" such as archives, though there was clearly more work to do in finding ways to set priorities for such a diverse set of assets. Burg and Ingerson noted that the CPC had supported many other City-wide plans strictly for CPA-eligible needs, including the *Open Space Plan*, a survey of City archives, a survey of the City's archaeological resources, and a detailed assessment of all City-owned historic buildings, all of which should be combined with the other criteria in the *CIP* to set priorities. Burg and Ingerson explained that the CPC anticipated significant give-and-take around City pre-proposals, allowing the CPC to comment on or encourage revision of the CPA-eligible projects in the *CIP*, rather than simply accept them as presented.

Anatol Zukerman was concerned that the Newton Historical Commission's administration of the City's demolition delay made it difficult to demolish buildings that were in poor repair but not historically significant, and therefore restricted the supply of sites for new, affordable housing.

Newton Historical Society outgoing president Anne Larner felt that the CPC should remain independent of the City's capital planning and budgeting process. She felt that many people might withdraw their support for the CPA in Newton if they saw the CPC's funding priorities as simply following the *CIP*, making the CPA just one more funding source for the general City budget.

Burg noted that when meeting with the Mayor earlier in the year, she and Feinberg had emphasized that the CPC wanted to be helpful to the City, but wanted to shift away from the past practice of receiving multiple competing City proposals from individual departments, with no sense of the City's overall priorities, to receiving a package of City pre-proposals for 1, 2, or 3 years at a time, so the CPC could understand and provide feedback on broader City priorities for CPA-eligible resources. They had also emphasized at the meeting that the CPC could not commit to recommending funds for every CPA-eligible City proposal, and that the CPC expected to continue recommending funds for many non-City projects.

Ingerson noted that the CPC had often heard sentiments similar to Larner's in the past, but had also wondered whether the current CPA 10th-anniversary outreach effort might reveal that the community's views had shifted in the current fiscal climate, in favor of using CPA funds as widely as possible to meet City needs, to reduce the need for other supplemental funding such as bonding or overrides. However, so far the CPC had not heard such a shift. She felt it was important for the Mayor and his staff to hear directly from the community the same views people were sharing with the CPC.

In response to a question from Cindy Stone, Ingerson noted that the bulk of past CPA funding had actually gone to City projects. The City owned all open space or recreation land purchased with CPA funds. All funding for historic resources had been for City buildings or archives, with 3 exceptions: the Durant-Kenrick Homestead owned by the Newton Historical Society, preservation of historic windows at the YMCA (on which the City now held a preservation restriction), and preservation of the roof and exterior building envelope at Warren House, a former school converted to housing, which is owned by a private nonprofit but located on land leased from the City. The one exception to this pattern was housing; the City holds permanent affordability restrictions on all CPA-funded housing, but the units are owned either by nonprofit organizations or individual homeowners.

Zukerman felt that the Kessler Woods project was an outrageous waste of CPA funds, because the City had acquired only the wetlands and ledge, and the private developer that was the City's bidding partner for buying the land from NStar had acquired the most developable portion of the property. He also felt that the work done in many past CPA-funded preservation or rehabilitation projects in Newton had actually been maintenance, which was not eligible for funding under the CPA.

Susan Huffman of the Upper Falls Area Council was concerned that affordable housing supported with CPA funds had contributed to overcrowding in Newton public schools. She noted that the City had sold or leased many former school buildings for use as housing, affordable or not, and that partly as a result, neither Upper Falls nor Newton Highlands now had a neighborhood school. She wondered whether CPA funds could be used to build new schools to replace those that had been given up. In response to Burg's and Ingerson's answer that this was not an allowable use of CPA funds under the statute, Zukerman suggested that the CPA should be amended to allow this use.

Laurel Farnsworth of the First Unitarian Society of Newton and Newton Historical Society board members Jay Walter and Russ Feldman all asked about CPA funding of historic churches. Walter felt that these buildings were among Newton's most cherished and should not be allowed to deteriorate just because their current owners could not afford to maintain them. Feldman felt that the current mission of many religious organizations did not include maintaining their buildings as the community would like to see them maintained, so CPA funding should be considered to fill this gap.

Ingerson noted that after declining to recommend funding requested by Grace Episcopal Church in 2003, the past CPC had added fairly restrictive criteria for funding private properties to its *Funding Guidelines*. Former CPC Chair Judy Jacobson noted that in addition to private ownership, another consideration in that decision was that the CPC thought CPA funds should be used primarily to ensure permanent protection of historic resources, by acquiring preservation restrictions. As a private nonprofit organization already held a restriction protecting Grace Episcopal Church, the CPC felt that the requested funds were more like operating support, which is not allowed under the CPA.

Feinberg noted that the few private properties funded in the past served broadly public purposes, including public recreation at the YMCA, a new history museum at the Durant-Kenrick Homestead, and 21 units of affordable housing at Warren House. Burg pointed out that current CPC members had never received or considered a proposal for the preservation of a private building, but she also felt that public use was an important requirement.

Ingerson suggested that the actual amounts of funding available were an important context for this discussion. As an example, if the current fund balance were divided into even thirds for housing, historic resources and open space/recreation land combined, each resource's share would be about \$1.5 million. Once that balance has been spent, it will not be rebuilt. If each year's new funds were divided in a similar way, each resource would receive about \$680,000 annually. Newton's CPA-eligible needs far exceed these amounts. The choice facing the CPC is not "yes now" vs. "no forever," but "yes now" vs. "yes 3 years from now" vs. "yes 8 years from now, or more."

Burg added that the most recent version of the proposed CPA amendment does not include the guaranteed state match of 75% included in previous versions. If the amendment becomes law, it does not appear that significantly more state funds will come along with the amendment's expanded list of allowable uses for CPA funds. Grissom noted that the recent increase in real estate transactions might increase the state funds available to CPA communities from deeds fees. Ingerson said that the state legislature's intent in expanding the list of allowable uses had always been to make the CPA more attractive to cities, since everyone in Massachusetts paid deeds fees but so far the communities benefiting from the CPA had mostly been suburban and exurban. If major cities such as Boston or Worcester adopted the CPA, state funds would be stretched farther than they are now.

Carl Cohen said that tonight's discussion had made him feel that the CPC's process was thoughtful. He also applauded the CPA as a source of support for cultural and historic projects that were unlikely to compete successfully for other public funds with basics like schools, infrastructure, police and fire

safety. Burg agreed, and recalled that Feinberg sometimes called CPA funding “but for” money – it should go to projects that could not happen “but for” CPA funds.

Lisle Baker felt the Committee should set aside some funding to plan individual projects, such as the planning grant for the Durant-Kenrick Homestead project. He acknowledged that such grants might show that a given project was not feasible, or was too expensive, but felt it was better to run this risk than not to fund project plans. He also wondered if CPA funds could be used for technical assistance. As an example, he cited a recent conservation restriction donated to the City, for which the donors themselves also had to pay all the legal costs. Ingerson noted that chapter 9 of Newton’s *Comprehensive Plan* advocated creating and updating a handbook, with information about current federal or state provisions for tax deductions or tax credits, to encourage the donation or below-cost sale of property or restrictions to the City for any CPA-eligible resource, including affordable housing, historic buildings, or conservation land. Such a handbook might have to be funded from the annual 5 percent of funds that the CPC is allowed to spend on program administration, however.

Ruthanne Fuller asked what current and past CPC members thought would be the appropriate balance of funding among the resources in the future, or whether they planned to continue leaving that balance to chance. She agreed with Baker that the CPC should always be prepared to respond to unanticipated proposals and opportunities.

Jim Robertson noted that hearing residents’ views on this was one reason for this series of 10th-anniversary neighborhood meetings. Even if the CPC targeted a general allocation of future funds by resource, the actual allocation would still depend on the proposals presented.

Ingerson noted that any allocation strategy would not be permanent, but would evolve. For example, once the major historic buildings owned by the City had been preserved or restored, those buildings should mostly need maintenance, which could not be funded under the CPA; at that point, perhaps CPA historic resources funds should be used mostly for private buildings. As another example, more than the minimum required 10% might be contributed to an open space reserve until that reserve reached a given target amount, after which only the 10% might be contributed annually until that reserve was spent down and needed rebuilding. The statewide Community Preservation Coalition generally favored building reserves but had also warned against accumulating funds indefinitely for unknown future projects, because that could create the misimpression that the community really had no identifiable need for the CPA.

Burg noted that the pending amendment to the CPA would still prohibit the use of CPA funds for maintenance, and that its expanded list of allowable uses would be options rather requirements. An amended CPA might “swamp” the CPC with proposals for park and playground projects in Newton, and the CPC would then have to decide which of these to recommend for funding, if any.

Mike Clarke felt that by funding open space and historic resources, the CPA had actually provided significant support for education in Newton. He then listed two sample projects that he felt merited consideration for CPA funding: the Kennard House in the City’s conservation area on Dudley Road, and a shop building in Nahanton Park. The Kennard House had been donated to the City but had suffered significant damage when the City failed to drain the pipes one winter. The shop building had been built by WPA workers, if not with WPA funds, and was the only structure still standing from Newton’s long series of City-owned poor farms and almshouses. Grissom noted that Clarke’s research on the history of Newton’s almshouses was very interesting.

Jay Walter thought CPA funds for affordable housing should assist people who already live in Newton to remain here. Burg noted that the maximum income levels allowed under the CPA could certainly include elders on fixed incomes as well as young families, or people in moderately paid professions such as teaching, firefighting or social work.

Judy Jacobson felt that, in contrast to the CPC's past practice of simply responding to proposals as submitted, the CPC should now consider setting definite priorities. For example, she felt CPA housing funds should be used primarily to assist people at the lowest income levels, such as the 46 homeless children who currently attended Newton public schools. She saw zoning changes to encourage the development of smaller, more reasonably priced housing units as a better tool than direct public subsidies for helping moderate-income households who were being priced out of Newton.

Burg felt that the ongoing loss of economic and other kinds of diversity in Newton was changing the community's core character and moving it away from its core values.

OPEN HOUSE At approximately 8:50 pm, Burg thanked the audience for coming and invited everyone to adjourn for refreshments and continuing conversation.

MEETING MATERIALS Presentation materials from this meeting are online from the "Reports and Presentations" page of the program website, www.newtonma.gov/cpa.