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Community Preservation Committee
MINUTES of PUBLIC MEETING
6 April 2011

The meeting was held on Wednesday 6 April 2011 at the Newton Senior Center, 345 Walnut Street, Newtonville. Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Jim Robertson, Wally Bernheimer, Zack Blake, Thomas Turner, Leslie Burg, Michael Clarke (arr. 7:20 pm).

Program manager Alice Ingerson served as recorder.

Committee Chair Nancy Grissom opened the meeting at 7:05 pm.

Alice Ingerson summarized the Committee's goals for discussing pre-proposals, adopted in November 2010, as to "discourage proposals that cannot be made eligible, practical, or compelling; strengthen promising proposals that are premature, incomplete or poorly presented; and encourage the prompt submission of proposals that are ready for and deserve full review." Pre-proposal discussions will generally be limited to 15 minutes.

PRE-PROPOSAL: RECREATION & OPEN SPACE PLAN

Chief Planner for Long-Range Planning Jen Molinsky presented the Planning Dept.'s intended request for \$4,000, to hire the consultant who helped with prior work on the *Plan* see it through to completion. The total timeline for the project will be approximately 14 months. Molinsky would be the project manager. Wally Bernheimer questioned whether the *Plan* was truly a top priority for the Mayor, if he could not find this \$4,000 from the City's General Fund.

Nancy Grissom read into the record a brief email received from non-attending member Dan Green: "On the *Open Space Plan*: We desperately need it. The old one went only through 2007. I am whole heartedly for it."

Although the pre-proposal suggested using CPC administrative funds, Bernheimer opposed that idea. Nancy Grissom thought the CPC should recommend a project appropriation for this *Plan*, as it had for the City archives survey and the City historic buildings survey. Ingerson noted that the Committee had chosen to recommend project rather than administrative funding of \$10,000 for the *Heritage Landscapes Report*, partly to ensure the Board of Aldermen was aware of and supported the project.

Grissom also noted that the list of groups to be involved in reviewing the *Plan* seemed incomplete. She and other members suggested adding Newton Community Farm, universities or colleges with

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significant open space, Historic Newton, the Newton Tree Conservancy, Crystal Lake Conservancy, the Newton Garden Club, and the Farm Commission. At the same time, Jim Robertson and Leslie Burg were concerned that too large a “steering committee” group might be unworkable.

VOTE Leslie Burg moved to consider this full proposal off-cycle, with a combined public hearing & working session at the 18 May 2011 CPC meeting. Ingerson noted that the full proposal should be submitted by 25 April 2011 for this schedule to work.

Zack Blake seconded the motion and proposed conditions.

The motion was approved by a vote of 6-0.

PRE-PROPOSAL: 173 LINCOLN STREET (housing for adults with developmental disabilities)

Janice Bourque presented the project on behalf of 173 Lincoln Street LLC, along with Margot Wizansky of Specialized Housing, Inc. (SHI).

Nancy Grissom noted that she had filed a formal declaration of appearance of conflict of interest for this proposal with the City Clerk and with the Mayor, as her appointing authority to the CPC. She had showed this group several properties during the summer of 2010 when their primary realtor was out of town, and had therefore received a minor referral commission when they purchased this particular house. She has had no further contact with the group and has no financial interest in the project.

Alderman John Rice reported that he had organized a meeting to address abutting neighbors’ concerns about the project. About 20-30 people had attended, and their final views were extremely positive. Alderman Rice also reported that Inspectional Services Commissioner John Lojek had said that because the residents were members of a protected group, the project would be considered a by-right use in a single-family residence zone.

Bourque explained that the participating families at the meeting included 3 from Newton (Bourque-Patel, Mansfield, and Ben-Gai) and 1 (Silverman-Fridman) from Belmont. The families put together the financing to purchase the property quickly when it came on the market, with the intention of working out the final funding for individual units and owners later. The group has contracted with Specialized Housing, which has 30 years’ experience in creating and running such group homes. The total cost will be about \$2.25 million, to be shared by the 10 units. The group is requesting \$1.5 million to offset those costs.

The goal is to let special-needs young adults live as independently as possible, with both live-in and day staff. The house has 6 committed families and 6 others interested in the remaining 4 available slots. Several of the residents have jobs, but almost all will be under 50% of area median income.

Wizansky passed out before-and-after pictures of other Specialized Housing projects, many of which rehabbed distressed buildings. She emphasized that individual residents tend stay in these units for a long time. One house recently celebrated their 28th anniversary as a community. In this case, Specialized Housing will manage both the development process and the house itself, for as long as the condominium association contracts with them to do so.

The Committee’s questions focused on:

- ♦ ownership arrangements and costs
- ♦ operating arrangements and costs
- ♦ fair housing and affirmative marketing
- ♦ total requested public subsidy

Bernheimer, Grissom, Robertson and Burg asked for clarification of ownership arrangements. Bourque explained that the financial risk is borne by the families, not by SHI. The LLC would develop the building, then transfer ownership to a condominium association. Each unit is a bedroom plus shared rights in the common areas. The owner of a unit could be the resident, the resident's family, or a trust benefiting the resident. If someone wants to move, for personal or medical reasons, the unit can be sold to another disabled person, subject to the approval of the condominium association and a cap on the resale price, so the units remain affordable to similar families. The floor plan of this house allowed relatively even-sized rooms, but the price of each unit would reflect its square footage and usable headroom. Monthly fees would cover operating expenses including staff, food, utilities, etc., plus a management fee to SHI.

Tom Turner noted that Section 8 covers rental payments and wondered whether, if the family or the trust was the owner, they would in effect be paying rent to themselves. Wizansky said that the resident is considered a tenant and pays rent to that resident's trust or parents as the owners. The families requested waivers to allow for this, because of the residents' need for special services.

In response to a question from Zack Blake, Wizansky said no other SHI projects had used CP funds. Individual residents have gotten first-time homeowner loans through Brookline's HOME program (federal funds). Some SHI houses have project-based Section 8 vouchers (federal funds) or state housing vouchers. Public funds from the Dept. of Developmental Services and the Massachusetts Commission for the Blind have covered a part or all of the monthly costs for a few residents. Bernheimer noted that all of these funds were intended to assist people with disabilities, but the CPA's charter is affordable housing.

Ingerson explained that, in contrast to the loans apparently given to individual buyers in Brookline from federal funds, the Newton Homebuyer Assistance program was strictly local, used only CP funds, and provided grants rather than loans in return for permanent affordability restrictions. The maximum assistance to any buyer is \$115,000. Individual applications are evaluated by staff, not by the CPC itself. Ingerson had advised Bourque before the meeting that if several potential residents at 173 Lincoln Street might apply to the Newton Homebuyer Assistance Program, the group should raise that possibility with the CPC, so the Committee could weigh the merits of a project grant versus subsidizing multiple individual units in a single building. However, the Newton Law Dept. had advised staff that 173 Lincoln Street did not seem to qualify for the Homebuyer Assistance Program because the units did not meet the program's definition of "dwelling units."

Bernheimer asked when the idea of requesting CP funds had surfaced. Bourque said the group had been working for 3 years to find the minimum of 5 committed families it needed, and then to buy an appropriate property. They had closed on 173 Lincoln Street on 21 January 2011.

Nancy Grissom asked why the LLC was requesting \$1.5 million of CP funds, since anticipated sales revenue from the 10 units would cover the project's total \$2.25 million cost. Bourque said their request had been based on their review of past Newton CP funding for affordable housing projects. This funding would make all the units affordable to someone with the limited earning power of the 3-4 potential residents who were already working, mostly for entry-level wages. Bernheimer and Grissom were willing to consider a revised, smaller request.

Burg, Robertson, Grissom, Bernheimer and Blake felt the project was admirable but was not an appropriate use of CP funds, since none of the units would be open to the public. They felt the project could and should be completed without CP funds. Grissom and Bernheimer wondered if the proposal could be restructured to help families who themselves met the CPA's income eligibility

requirements for housing, perhaps by including some rental units. Alderman Rice suggested such units might be managed by the Newton Housing Authority.

Bourque felt that Specialized Housing used an open public process, since anyone can apply for available units in existing SHI homes, or ask for SHI's help in starting a new house. She noted that some families interested in this house had to walk away because of the cost, leaving the group to find replacement families. She was concerned that low-income individuals without disabilities would not fit into the house; Committee members clarified that they had meant to suggest including only low-income residents who also met the other criteria for residency. Wizansky worried that low-income residents could not afford their share of the house's monthly operating costs.

Ingerson noted that the CPC could decide whether to accept a full proposal, either off-cycle or at the next annual deadline. This project would be subject to the same full financial transparency about both its public request and private resources as all proposals, and that evaluating this would require a full proposal and the full CPC process. Given the project's complexity, she would probably urge the Committee to commission an analysis of it by a consultant familiar with trust and tax law.

All members agreed with Blake's and Grissom's summary that the Committee would probably be willing to consider a revised proposal from this group off-cycle, but they needed to get first the right pre-proposal and then the right proposal.

HISTORIC NEWTON PROJECT UPDATES: DURANT-KENRICK HOMESTEAD

Historic Newton was represented by Executive Director Cindy Stone and by Board members Anne Larner, Brooke Lipsitt, and Sheila Donahue.

Nancy Grissom asked why Historic Newton had not combined the two parcels involved in the project into one, as requested by the Massachusetts Historical Commission (MHC). Lipsitt explained that Historic Newton had been advised by their attorney to do this only if the MHC insisted on it.

Grissom and Bernheimer felt that public funding would not have been appropriated for the empty, corner parcel except as a historic landscape context for the historic house on the abutting parcel. Grissom was concerned that if the historic house were ever lost, Historic Newton apparently planned to decide what to do with both parcels without consulting the City, as the holder of the preservation restriction purchased on the property with CP funds.

Lipsitt and Larner explained that Historic Newton might wish to continue educational programming based on the landscape, in that case. Stone explained that private donors in the neighborhood preferred that the corner parcel be preserved, regardless of what happened to the house. She also stated that Historic Newton had agreed to use any insurance settlement from a total loss of the house to repay the public (CPA) funds first, although she would have preferred to pro-rate repayment between the project's public and private funders. Lipsitt urged the CPC to support a grant agreement that did not specify what would happen in case of total loss, in the hope that such a loss would never happen. She said that Historic Newton considered the latest draft of the proposed grant agreement final but was still reviewing the most recent draft of the preservation restriction.

In response to a question from Bernheimer, Stone noted that Historic Newton expected to start construction on the project in the early fall of 2011, and to have \$2.35 million for the project in hand by the time the museum opens to the public, a year after that. Larner noted that construction had been scheduled based on the projected results of Historic Newton's capital campaign. They believed they would have reserves adequate to cover operating costs while they continued to raise funds to

reach this anticipated total. Bernheimer asked that Historic Newton provide to the CPC its projected balance sheet as of June 2012.

Grissom asked for further clarification about Historic Newton's change of language from the "endowment" described during proposal review to the current "operating reserve." Stone noted that funds for the Durant-Kenrick Homestead, to be owned by the private Newton Historical Society, would be managed under a policy similar to the one governing private funds donated to the Jackson Homestead, owned by the City. This policy allowed spending an annual average of 5%, from the combination of appreciation and income on invested funds. In addition, a Historic Newton Board member with a background in this field had advised that the term "endowment" could be applied only to funds restricted to a particular project by their donors. Bernheimer disagreed and said that endowments could be either restricted or unrestricted.

Grissom noted that approval of the Newton Historical Commission was required for the project's final demolition and construction plan, and asked what Historic Newton would do if the current plan were not approved exactly as submitted. Lipsitt said in that case, Historic Newton would not accept ownership of the property, and the project would be canceled.

In response to questions from Grissom, Lipsitt and Stone explained that the 3 weeks scheduled for archaeological work was based on estimates from Historic Newton's consultant, the Fiske Center at the University of Massachusetts-Boston, and that the demolition contract for the ell would require both the maximum possible recycling and salvaging of any historic fabric that could be used in interpreting the site to visitors. In response to a question from Grissom, Stone noted that Historic Newton had hired Joe Michaelson as its owner's representative for the construction work.

Ingerson asked for an update on interpretive planning for the site. Stone noted that plans were not yet final, but one focus would be on the 3rd-grade curriculum of the Newton Public Schools, which involves students in role-playing the Durant family during the American Revolution. Historic Newton has met with the K-8 social science coordinator for the Newton Public Schools and will be working with teachers in the summer of 2011 to develop more programming ideas.

HISTORIC NEWTON PROJECT UPDATES: JACKSON HOMESTEAD EXTERIOR

Art Cabral from the Newton Public Buildings Dept. summarized the proposal to use unspent funds from this project to rehabilitate the Homestead's perimeter fence and add a wooden, copper-lined gutter along the rear wall of the ell, about 72 feet long. The fence had not been painted since it was first constructed by the North Bennett Street School. The \$4,000 estimate for the fence came from the painting subcontractor. The City's service contractor charged for time and materials, and thought it might cost well under the \$6,950 estimate. The Public Buildings Dept. will get 2 other letter bids before making a final choice of contractor. Downspouts will be aluminum, because copper ones are likely to be stolen.

VOTE Wally Bernheimer moved to allow the use of no more than \$11,000 of the funds remaining in this project account for work on the fence and gutter. Leslie Burg seconded the motion, which was approved by a vote of 7-0.

HISTORIC NEWTON PROJECT UPDATES: MUSEUM ARCHIVES

Cabral then gave the Committee a short summary of this project's current status. Designs have been completed to increase archival storage space, make the archives more accessible, and make the Museum as a whole more accessible and inviting for people in wheelchairs. The initial estimated

total construction cost was up to \$741,000, but value engineering work has reduced it to \$540,782. The design must still be reviewed by the City's Design Review Committee and then by the Massachusetts Architectural Access Board.

For the time being the project manager is Newton director Cindy Stone, in partnership with Commissioner of Public Buildings Stephanie Gilman and Cabral. Ingerson reminded the Committee that the Aldermen had made it clear that any further appropriation for the project would be made to the Public Buildings Department.

UPDATES ON RECOMMENDED PROPOSALS

Ingerson reported that the Board of Aldermen had approved the recommended funding for the City Historic Buildings Survey and the Survey of Newton's Early Architecture, 1830-1840; that the Aldermanic Committee on Community Preservation had scheduled its second discussion of the recommendation for the 61 Pearl Street housing proposal on 20 April 2011, and its first discussion of the recommendation for 112 Dedham Street housing proposal for 26 April 2011, as part of the same extra-short session that would take up the program's fiscal 2012 budget.

PROGRAM PLANNING

The Committee approved the narrative Ingerson had prepared for the Community Preservation Program's section of the fiscal 2012 budget book, which emphasized multi-year planning as a way to strengthen the program's funding process and decisions. They revised the list of projects anticipated for fiscal 2011 funding to show an estimated fund balance of \$2.5 million forwarded to fiscal 2012.

Nancy Grissom reported that Leslie Burg and Joel Feinberg had agreed to serve for 2 years as the Committee's team of officers, beginning in the fall of 2011. Grissom asked any other members willing to serve to contact her.

OTHER BUSINESS

Grissom and Ingerson reminded the Committee of the upcoming hearings in the state legislature on the proposed amendment to the CPA (Senate bill 1842/House bill 745).

Leslie Burg moved, and Wally Bernheimer seconded, approval of the draft minutes for the Committee's 16 March 2011 meeting, subject to several corrections noted by the members. The minutes were approved unanimously.

After a motion by Bernheimer, seconded by Burg, Nancy Grissom adjourned the meeting by unanimous consent at 9:30 pm.

PRE-MEETING PACKET & MEETING HANDOUTS

All available online:

- Pre-proposals, proposals & funded projects, from www.newtonma.gov/cpa/projects.htm.
- Future meeting schedule, from www.newtonma.gov/cpa, click on "Calendar."
- Full meeting agendas & minutes, from www.newtonma.gov/cpa/committee.htm.
- CP Program fy12 budget, from www.newtonma.gov/budget12/index_12_budget.htm