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The meeting was held on Wednesday 20 October 2010 in Newton City Hall, Cafeteria.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Thomas Turner, Walter Bernheimer, Joel Feinberg, Dan Green (arr. 7:20 pm), Michael Clarke (dep. 9 pm).

Program manager Alice Ingerson served as recorder.

Committee Chair Nancy Grissom opened the meeting at 7:10 pm.

Grissom explained that the special meeting previously under consideration for November 3, about proposed changes to the Committee's operating philosophy and procedures, had been canceled and that the Committee would have that discussion during tonight's meeting instead.

WORKING SESSION on CHARLES RIVER LOWER FALLS BRIDGE & APPROACHES PROPOSAL

Kevin Hollenbeck of the Dept. of Conservation & Recreation (DCR) and George Kirby of the Newton Bicycle-Pedestrian Taskforce summarized the proposal as requesting funds to complete and beautify the pathway on the Newton side. The bridge work should be complete in December 2010/January 2011, and work on the Newton approach should be completed by March/April 2011. Kirby also conveyed a report from Neal Seaborn in Wellesley that work on the land remaining in private ownership on that side of the river would be funded by National Development, as part of their mixed-use project. Kirby hoped that the DCR would be able to carry forward the proposal submitted 2 years ago, which he characterized as "holding hands between communities."

Alice Ingerson gave a PowerPoint presentation showing the relationship of this project to other public open space and recreation land along the Charles River. The presentation showed that the original 1890s plan for continuous public access along the river had never been fully implemented and that construction of Interstate routes 90 and 128/95 had created significant additional barriers to such continuous access. Although the proposed project would add riverside public access, pedestrians and bicyclists would need to use public streets to get from the project site to other parks and public open space along the river.

Ingerson then distributed a letter emailed the day before the meeting by Guive Mirfendereski, questioning whether the proposed project was an allowable use of funds under the Community Preservation Act, and a short memo from the City of Newton Law Dept. to the CPC addressing issues raised in the letter. The Law Dept. stood by its earlier memos to the CPC affirming the project's eligibility but also advised the Committee to make any CP funding for the project contingent on obtaining a permanent conservation/recreation/public access restriction on the site where Newton CP funds were spent.

Michael Clarke said most of his questions had been answered by Ingerson's PowerPoint presentation. He noted for the record that the City of Newton Law Dept. had advised him that he need not recuse himself from voting on this proposal as a Director of the Newton Conservators and a member of the Bicycle Pedestrian Taskforce, both of which supported the proposal. Dan Green acknowledged that he was also a Director of the Newton Conservators.

Kevin Hollenbeck of DCR explained that his agency would manage the project if funded, but that all work on the bridge itself and some work on the approaches was being funded through the state's Accelerated Bridge Program and managed by the Dept. of Transportation. Grissom explained that, although the Bicycle-Pedestrian Taskforce had submitted the proposal, the CPC considers the proposal sponsor to be DCR, as the agency that would receive and manage any appropriated CP funds.

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Discussion with the Committee then focused on

- itemized project budget
- possible other funding sources
- the Law Dept.'s advice about requiring a permanent restriction.

In response to questions from the Committee, Hollenbeck acknowledged that the state-funded work would create a level path making the bridge safely accessible on the Newton side, and that the \$7,245 in the CP funding request for a "Stabilized Stone Dust Path" was unnecessary. Hollenbeck also acknowledged that the ornamental fence in the budget would run, not between the public path and neighboring private properties, but along Concord Street to highlight the path's entrance.

The state-funded work would plant trees and shrubs along the 200 feet of the path nearest to the bridge, as required by the Newton Conservation Commission, but DCR was requesting CP funds for additional plantings along the other 400 feet. Hollenbeck acknowledged that DCR had not submitted its detailed plans for these additional plantings to the CPC. Some CPC members felt that the cost for additional plantings was reasonable, and that since the path would be built anyway with state funding, Newton should appropriate funds to make the path attractive and inviting. Others felt this cost was either a low-priority use of CP funds or could be reduced through donations.

Some CPC members felt all critical elements of the proposed path could be built without CP funds. Others agreed with George Kirby's argument that the state Accelerated Bridge Program funding should be seen as "leveraged" by Newton CP funds. Hollenbeck said DCR had not asked project supporters in Newton for private contributions because as a state agency, DCR feels such solicitations are inappropriate. However, Hollenbeck also said DCR had partnered with abutters, businesses, and garden clubs to provide enhancements at other DCR sites.

The Committee then discussed the Law Dept's advice to obtain a permanent restriction. Hollenbeck suggested this was unnecessary, because state-owned open space is covered by Article 97, requiring a two-thirds vote of the state legislature to convert public open space to any other use. Ingerson pointed out that the CPA explicitly requires such restrictions on open space acquired by municipal governments using CP funds. As municipal lands are also covered by Article 97, this suggests that the Act's framers did not consider Article 97 adequate protection. Several CPC members confirmed their support for requiring a restriction.

Green noted that with the adjustments to the project budget made orally during this meeting, and without the detailed planting plan that DCR had submitted to the CPC, it was difficult for the CPC to know what any funding it recommended would actually pay for.

The CPC made continuation of the working session at its November meeting contingent on the submission of the following by November 1st: an updated, final project budget and funding request, omitting all items identified by the City of Newton Law Dept. as not clearly eligible for funding under the CPA; the detailed, final planting plan; and written confirmation that DCR would grant a permanent deed restriction in return for Newton CP funding. Hollenbeck was unsure DCR could meet this deadline, and felt that DCR might not agree to grant a deed restriction.

ACCESSIBILITY REVIEW for the CITY of NEWTON

Discussion with consultant Barbara Chandler

Barbara Chandler introduced herself as a staff member of the Metropolitan Boston Housing Partnership, hired by the Planning Department at the suggestion of the Newton Fair Housing Committee to review the City's policies for ensuring the accessibility of public facilities and services and of housing that receives City funds.

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Nancy Grissom reminded the Committee that they had hired Chandler as a consultant to review accessibility requirements for the Veteran House proposal (2148-55 Commonwealth Avenue). All members agreed that this outside review had been valuable.

Discussion then focused on

- training & technical assistance
- balancing policy goals with costs in funding decisions
- setting policy goals for accessibility

Members noted that, because of the way slots on the CPC are defined, the Committee always has some members knowledgeable about housing, construction, and real estate. Dan Green was the only current member who felt he understood regulatory and legal requirements for accessibility well. Most members felt they had little or no relevant training, but felt they knew when they needed to use the CPC's administrative budget to hire additional specialized consultants.

Chandler asked whether the CPC had access to adequate technical assistance, and how it worked with other City committees and departments. Wally Bernheimer felt the Committee had received very useful technical assistance from former Housing Office rehab specialist Mike Duff, but was less confident that such assistance was still available. Other members felt that most projects were vetted appropriately by other groups before they came to the CPC, but also that the CPC could and did ask for input from others as needed. Ingerson noted that the recent CPC funding recommendation for the Angino Farm barn made review by many other City committees, including the Mayor's Committee for People with Disabilities, a prerequisite for the release of CP funds.

Chandler asked CPC members about their recent funding decision for Veteran House. Members felt accessibility had become a particular focus for that project partly because one critic felt the project should receive no funding because it was not fully wheelchair-accessible. The CPC decided the project was still worth doing, because not all needs can be met in a 2-unit project.

Several members felt that accessibility came up as an issue with almost all funding proposals. Members pointed out that the CPC does not make policy, but can only respond to the proposals submitted, and must therefore analyze each proposal individually. A blanket policy requiring every unit of housing supported with CP funds to be fully wheelchair-accessible might not be workable.

Members noted that for the CPC as a funding committee, cost was always an issue. Current CPC guidelines favor the use of existing housing stock for affordable housing. Given the age and styles of Newton's housing stock and its high land prices, the Committee was not sure it would often recommend additional rehabilitation funding, beyond the cost required to satisfy current regulations or building codes. In contrast, the Committee might support more than required levels of accessibility in new construction, where any additional cost would be minimal.

Grissom suggested that wheelchair accessibility was not the only kind to consider. Chandler agreed that meeting the needs of all people with disabilities requires looking at more than architecture. For example, seniors only developments may provide full physical accessibility but foster social isolation; and people with mental illness may need supportive services.

Members asked Chandler to suggest a reasonable accessibility target for their funding decisions. Chandler explained that the answer depended both on what was technologically possible and on the extent of the community's unmet needs. Some fairly clear targets are set by federal codes or state law, but others — especially for reasonable accommodation/modification of existing housing — are more nebulous. It is also difficult to measure unmet needs. A Newton Planning Dept survey of all affordable housing in the City found that private, nonprofit, and public landlords seldom knew how many accessible units they actually had.

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PROGRAM OPERATING PHILOSOPHY

Nancy Grissom summarized recommendations that she and Wally Bernheimer had developed in discussion with Alice Ingerson:

- The CPC and its staff should focus less on assisting proposal sponsors and project managers, and more on critical review of both proposals and funded projects.
- However, the CPC should also screen and strengthen potential projects by accepting and discussing pre-proposals ("one-pagers") with sponsors through the year, while still basing its funding recommendations only on full proposals submitted by an annual deadline.

Feinberg felt that if the CPC went through the effort of reviewing and endorsing a proposal, the CPC and its staff should be prepared to assist and coach the sponsor through the process of review by the Board of Aldermen. Turner felt the onus should be on the proposal sponsors. Under the current system, the Committee tended not to look at proposals as hard as it might, because it assumed that its own staff had already made sure every proposal was solid. Grissom suggested that if the Committee's own due diligence was more rigorous, that would help proposal sponsors be better prepared for meetings with the Board of Aldermen.

The Committee directed Ingerson to write up the new approach so the Committee as a whole could review and vote on it at their November meeting.

PROGRAM PLANNING & OUTREACH

The Committee postponed to future meetings further planning for the program's 10th anniversary in 2011-13.

COMMITTEE BUSINESS

By a unanimous voice vote of 5-0, the Committee unanimously approved docket item 299-10, submitted to the Board of Aldermen, reducing budgeted fy11 revenue, and the budgeted fy11 general reserve, by the difference between the \$681,605 of state funding in the original budget and the \$618,181 confirmed by the Dept. of Revenue.

Dan Green moved, and Wally Bernheimer seconded, approval of the 15 September 2010 minutes, with one correction noted. The minutes were approved as corrected by a vote of 5-0.

The Committee also directed Alice Ingerson to make future minutes shorter by summarizing discussions rather than identifying individual members' comments and questions.

DISTRIBUTION OF Fy11 NEW PROPOSALS

Alice Ingerson distributed packets with the five new proposals to all members present, along with her analysis of the relative completeness of each proposal. The Committee will review this material and set a schedule of working sessions for these proposals at the end of its 17 November 2010 public hearing on the new proposals. As in prior years, all new proposals will be posted online from www.newtonma.gov/cpa/projects.htm

Chair Nancy Grissom adjourned the meeting at 9:30 pm.

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PRE-MEETING PACKET & MEETING HANDOUTS

- program finances: fy11 available funds & YTD budget for program administration; docket item adjusting fy11 program budget; past funding by source for fy 02-10; forecast of future funding for fy12-17
- accessibility: backgrd for discussion with B. Chandler of her assessment of City policies & resources, new City of Newton guidelines for accessibility in affordable housing
- Charles River Lower Falls Bridge/Approaches proposal: staff memo summarizing recent proposal updates & correspondence, updated project schedule, Law Dept. advisory memo on eligibility and requiring a permanent restriction in return for funding
- **program management:** February 2010 memo to the CPC summarizing their standing instructions on the roles played by their staff in proposal review & project management