

The meeting was held on Wednesday 17 November 2010 at the Newton Senior Center, 345 Walnut Street, Newtonville.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Thomas Turner, Walter Bernheimer, Zack Blake, Leslie Burg, Joel Feinberg, Michael Clark (arr 6:45 pm, dep. 9:10 pm).

Program manager Alice Ingerson served as recorder.

Committee Chair Nancy Grissom opened the hearing at 6:35 pm.

PUBLIC HEARINGS on NEW PROPOSALS

◆ CITY ARCHIVES - ENGINEERING PLAN & MAP COLLECTION

Engineering Archivist Darrell Azure made the presentation. Associate City Engineer John Daghlian also attended. The Engineering Dept is over 100 years old and holds maps dating back to the 18th century. The collection includes 43,300 maps/plans, 44 index books, 501 abstract books and 3,048 notebooks. These include plans of every property in Newton, as well as the sewer and water system, land takings by government, etc. Large scrolls carry lots of information, including the date each lot was created. The plans are on paper, mylar, and canvas. The presentation included as examples plans for Farlow Park, plans for Newton parks by the Olmsted firm, and plans for the current site of City Hall.

Azure explained that anyone doing a project in the City has to look at these plans. Historic preservation planners and Museum staff use the water records to date houses. Unlike sewer and water records, many other previously scanned plans have not yet been tied into the City's geographic information system (GIS).

Former City Archivist Priscilla Ritter always said these records should be scanned. The vault is fireproof brick, but it is crowded, and the plans are not stored properly. Plans are never retired, and each use causes wear and tear. If this project is not done, records will be lost. Azure and Daghlian offered tours of the vault and collection upon request.

PUBLIC COMMENTS

Elaine Callahan, a historical researcher, urged the Committee to support the proposal. She felt these records were very important to preserve.

COMMITTEE COMMENTS

The Committee's questions focused on

- ◆ project phasing and priorities
- ◆ justification for cost estimates in the proposal
- ◆ current records management & preservation practices
- ◆ funding leverage

Nancy Grissom said that the CPC needed to make sure CP funds were spent in the most efficient way possible, and to anticipate questions that would be asked by the Board of Aldermen.

Wally Bernheimer, Grissom and Leslie Burg all felt that this proposal was worthy, but that funding it all at once would crowd out other worthy uses of CP funds. They suggested a revised, phased request with a more detailed budget breakdown. Grissom felt the CPC should not fund the preservation of any specific City archival collection until it received the report from the overall survey of City archives. She also noted that the same proposal to the CPC for \$1.9 million appeared in the City's latest *Capital Improvement Plan* as \$250,000 a year for 6 years (total cost \$1,500,000).

Bernheimer felt it was unclear which specific records were included, and why. Azure explained that the project included all records in the vault, not just the oldest ones. He felt that records of old, obsolete information might be a low priority, because they would interest engineers more than homeowners.

Azure explained that the budget was based on rough estimates from the Brown River Company, but that BSC Group and Scanning America have done work for Newton and could provide estimates. He thought the initial estimates were high, and said the budget would be revised after the first phase of work.

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aingerson@newtonma.gov, 617.796.1144

However, he also felt that a phased approach was unwise, because examining the plans to set priorities would itself cause wear and tear. The plans should be scanned as soon as they are examined. Jackson Homestead curator Susan Abele noted that consultants had advised creating both computer files for daily use and microfilm "preservation copies." He explained that this project must be done on site, because the records cannot be moved. Abele said the current card index works only in the current location.

Abele felt that crowding in the current vault might still endanger records even after they are preserved or conserved. Azure noted that once records were digitized, the originals could be stored off site. Grissom felt a revised proposal should address space needs.

Bernheimer asked about cost savings. Azure said the project would help the City use staff time more efficiently. New plans are being submitted digitally. Mike Clarke asked what was done now to protect older plans. Azure explained that the DPW had already reduced 3 staff positions for this function to 1, so staff cannot supervise users closely, but does ask them to handle materials carefully and refile them correctly; users are not asked to wear gloves. Grissom suggested a top priority should be tighter control over the most fragile materials.

In response to questions from Zack Blake, Azure reported that Public Works Commissioner Tom Daley had committed to covering the costs of storing digital information from the DPW operating budget, and that the project included costs not only for preservation but also for GIS analysis and data entry. Grissom noted that the proposal should include staff costs for departments other than DPW, such as Information Technology.

Burg and Grissom noted that the proposal requested all funding through the CPC and suggested seeking some funds from other sources. Azure was not aware of any other available sources, and believed that City Clerk David Olson also knew of none. Alice Ingerson said she had previously given DPW Chief of Budget and Finance Ryan Ferrara information about the Historic American Engineering Records Survey and archival planning and preservation grants through the National Historic Publications and Records Commission and the Institute of Museum and Library Services.

Joel Feinberg noted that the regular City budget must cover the costs of preserving records required for routine government functions and asked how other towns and cities met this need. Azure did not know what other communities had done with their engineering records, but said the City of Boston had scanned some school records. He felt that other communities had fewer historical records than Newton.

♦ 112-116 DEDHAM STREET (HOUSING)

Geoff Engler of SEB made the presentation. He also distributed new preliminary color drawings.

The project would include 16 ownership units. 4 would be deed-restricted to households at 80 percent of area median income, and would each have 1275 square feet, 2 bedrooms, 2 bathrooms, and 2 parking spaces. The project should be LEED-certified (Leadership in Energy and Environmental Design).

Current plans meet all applicable requirements for accessibility, but SEB will work with the City to exceed requirements. All units will be single-floor, and the building will have an elevator and ramps. SEB feels this will appeal to an underserved market in Newton, including people who want to downsize.

The development will preserve the existing stone barn, which many neighbors want to keep as a buffer. SEB has every incentive to make the building as attractive as possible so the market-rate units will sell for the maximum possible price.

The site plan currently envisions only emergency access from Ledgewood Road, with main access from Dedham Street. The site's steep, wooded front slope will minimize the excavation required for underground parking, and will make the development minimally visible from Dedham Street.

Excluding the extra cost of preserving the barn, the per-unit subsidy for the 4 affordable units would be about \$275,000, which is fairly low compared to previous subsidized housing developments in Newton.

SEB offered to arrange site visits for the CPC and neighbors.

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PUBLIC COMMENTS

Rebecca Sullivan is an abutter at 20 Shady Hill Road. They bought their property partly for its view of the barn at 112-116 Dedham Street, which is visible from all abutting properties. This quiet neighborhood of single-family homes is a treasure, a great place for kids and bikes, and she does not want to see its character ruined. She would like not to see a large building looming over her house.

Melina Crovo, an abutter at 20 Ledgewood Road, felt the proposed building would intrude on the view from her property and would ruin the integrity of the neighborhood. She noted that Ledgewood was a private way, and was concerned that its proposed use for emergency access would mean both a fire truck and an ambulance coming right by her house when responding to any 911 calls from the new development.

Engler explained that SEB would be comfortable without access from Ledgewood, but the Fire Department might require either that emergency access or an additional paved turnaround on the site. SEB would ask abutters where they would like more screening vegetation planted.

COMMITTEE COMMENTS

The Committee's questions focused on

- ◆ project costs & funding sources, including potential profit
- ◆ accessibility
- ◆ neighborhood views & impacts
- ◆ costs & benefits of preserving the barn

Leslie Burg felt that multifamily housing of this type was needed in Newton, and that the proposed accessibility and LEED certification were great benefits.

Grissom asked why SEB had applied for no non-CPA City funding. Engler explained that all of Newton's currently available HOME funds had been requested by CAN-DO for another project, which SEB feels is a good one. SEB therefore chose not to compete with CAN-DO for HOME funds.

Zack Blake, Nancy Grissom, Wally Bernheimer and Joel Feinberg all asked about the project's economic feasibility and size. Feinberg noted that the requested total subsidy was actually \$350,000 per unit. He agreed with Bernheimer's observation that it might be difficult to justify a total subsidy of \$1.4 million for a project expected to generate a profit of \$1.1 million. Grissom asked if 16 units were needed, and Blake asked what would happen with no CP funding.

Engler explained that SEB felt it could earn the equivalent profit without public funding only by building a 22-unit multifamily building or 3-4 townhouses of 5,000 square feet each on the same site. The townhouses would totally fill the site, would require demolishing the barn, and would sell for multi-million-dollar prices. SEB expected the market-rate units in the 16-unit building to sell for about \$700,000 each. Engler also explained that Chapter 40B allows a profit of up to 20 percent on total development cost, and limits local government's ability to request project changes if profit is below 15 percent. The current proposal anticipates a profit of 12 percent. A City subsidy will also help SEB with its lenders.

Wally Bernheimer asked whether the project needed a commitment of CP funds in fy11, since those funds would only be spent starting in fy12. Engler said SEB needed the commitment now, although the purchase & sale agreement had no expiration date, because SEB had given the seller an estimated closing date and had learned from past experience that obtaining CP funds can be a lengthy process.

Feinberg asked about revenue-sharing, which had been used with a prior mixed-income ownership project that received Newton CP funds (Covenant Residences). Engler thought it would be unfair for the City to share the upside revenue unless it also shared the downside risk from the market-rate units.

Leslie Burg asked for further clarification of accessibility benefits and demographics. Engler explained that all underground parking would be accessible by elevator and ramps, but additional official, wider handicap parking spots could be created through surface parking or garage space in the barn. The owner selection process for SEB's CP-funded Lexington Street project would provide more data about the accessibility needs of the income-eligible population. The interest in those units has been overwhelming. One unit there was fully accessible; all others could be modified as needed. All units at Dedham Street would be modifiable. In response to Mike Clarke's question, Engler said requested modifications would be

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made about 4-5 months before construction was finished. Modifications do increase costs, but cost is also a consideration in what is considered "reasonable accommodation/reasonable modification."

Joel Feinberg asked about visual and neighborhood impacts. Engler said the wooded front slope made the current house largely invisible from the street, though part of the barn can be seen from the driveway. SEB likes the site because it is in a quiet neighborhood yet is within walking distance of a Green Line stop, shopping, a public playing field, and an elementary school, and has easy access from Route 9. Zack Blake asked that immediate neighbors be invited to any site visits, and that SEB report back on one or more formal meetings with the neighbors at the first working session with the CPC.

Wally Bernheimer felt that \$300,000 for preserving the barn might not be justified, since the proposal had been presented strictly as a housing project. Joel Feinberg noted that the cost of maintaining the barn would raise condo fees for all owners. Senior Preservation Planner Brian Lever noted that SEB had supported the current owner's request to the Newton Historical Commission for a waiver of the demolition delay, but that the NHC had instead imposed the maximum one-year delay. The NHC but had not been asked to comment on whether the site was significant enough in Newton's history to meet CPC requirements for historic resources funding. Zack Blake noted that the NHC had felt more strongly about preserving the barn, which was older than the existing house. Lever said there were few barns of that size across the City, which is rapidly losing its historic outbuildings.

Leslie Burg, Nancy Grissom, and Mike Clarke asked about possible uses of the barn. Engler said the wing now used as housing will be preserved, but the cost to bring it up to code for residential use is prohibitive. For the barn as a whole, SEB cannot consider public use due to zoning but will consider storage, a library, an entertainment room, art studios, or garage parking to reduce total impermeable area.

COMMITTEE BUSINESS - PUBLIC MEETING

◆ CITY of NEWTON CAPITAL PLANNING and CP FUNDING

City of Newton Chief Operating Officer Robert Rooney talked to the Committee about Mayor Warren's view of capital projects and how the administration and the CPC can best work together. Rooney noted that this was the first change of City administration since the CPA was adopted in Newton. The Mayor's staff had been working hard to create a new *Capital Improvement Plan (CIP)*, assess the City's capital needs, and coordinate funding requests to all sources.

Rooney had talked to the Mayor about how to ensure consistency between the Mayor's priorities for structures and facilities and submissions to the CPC. The Mayor sees Newton's Community Preservation Program as a use of taxpayers' funds and feels it should be consistent with the City's CIP. The Mayor and the CPC should look at projects in the same way.

Rooney noted that this year some departments had submitted proposals to the CPC that were not listed as current-year priorities, or in some cases were not even listed for future years, in the CIP. This created a disconnect between the Mayor's priorities and proposed uses of CP funds. For example, one current priority in the CIP was repair or replacement of the Senior Center's original 1930s slate roof, which is currently leaking. CP funds may be the only source available for this project. Other City department proposals currently before the CPC are really tangential to the CIP. This raised the question of whether the CPC should be discussing those proposals at all.

Rooney acknowledged that the current CIP is still more a list of requests from individual departments than a fully prioritized list of citywide needs. The administration is in the process of identifying overall City priorities. One good use of CP funds might be to ensure that the historic value of buildings is considered when setting those priorities.

Rooney had considered submitting a formal letter to the CPC from the administration but felt an informal conversation was the best first step. He asked whether the CPC would be willing to require approval or endorsement from the Mayor for City proposals.

Nancy Grissom said it was important for the CPC to understand the Mayor's priorities. She realized that this year the CIP had not been developed in time to screen submissions to the CPC. The CPC has an annual deadline for a reason and needs proposals to come in on time. However, it has made some

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exceptions in the past – such as for the City archives survey. The CPC might also agree to consider off-cycle, for similar reasons, a survey of City historic buildings. Other exceptions to the deadline have been made in the past mostly for unique acquisition opportunities, like the properties at Crystal Lake.

Senior Preservation Planner Brian Lever noted that the City owns and maintains some truly historic buildings that are listed on the National Register of Historic Places. These include the Senior Center, where the slate roof would be considered a significant feature.

Wally Bernheimer felt that some of the issues Rooney had raised were compatible with what the CPC had been doing, and some were in conflict. The CPA as a statute limits allowable uses of funds. These funds cannot be used for deferred maintenance, but they can be used to rehabilitate historic buildings. It would be a mistake if all of Newton's CP funds went to City projects. The CPA is for the benefit of all citizens of Newton and other applicants. However, legitimate City projects can be funded, and the Mayor should certainly identify and channel to the CPC his top-priority eligible projects.

Nancy Grissom noted that, under both the CPC's current and proposed new operating philosophy, short pre-proposals can be submitted at any time. Under the new approach, the CPC will also schedule brief public discussions of these pre-proposals. She noted that the CPC would discuss and vote on the new approach later at tonight's meeting and would forward a summary to Bob Rooney and the Mayor.

Bernheimer also noted that the top priorities for the Parks and Recreation Commission and Department are the Upper Falls and Newton Highlands playgrounds. The only recent Parks & Recreation proposal to the CPC was for Farlow Park, not because it was a top priority, but because it was the only parks project eligible for CP funding. If the CPA is amended to allow the rehabilitation of non-historic parks, other projects will move to the front of the Parks and Recreation line for the CPC. If CP funds are spent for Farlow Park now, they may not be available for these other high-priority projects in the future. Mike Clarke noted that updating Newton's *Recreation and Open Space Plan* was urgent, because that plan would show which parks and open space projects were the City's top priorities.

PUBLIC HEARINGS on NEW PROPOSALS, continued

◆ EARLY ARCHITECTURE SURVEY, 1830-1840

Preservation planner Katy Holmes and Senior Preservation Planner Brian Lever made the presentation. They noted that the City's surveys of historic buildings were used every day to make planning, development and preservation decisions, but many contained only poor-quality data. Dates in the assessors' database are based primarily on a "sidewalk survey" by the assessors themselves, who guessed at dates from those features of the building visible from the public way, but did not use historical documentation.

Lever and Holmes had obtained a grant from the Massachusetts Historical Commission to resurvey Newton's remaining buildings built up to 1830. Many buildings they expected to document under that grant were actually excluded from it, because closer review showed they were actually from 1830-1840. CP funds were being requested to document these excluded buildings.

A full survey would help to establish context for all of Newton's remaining earliest properties, which would encourage their preservation. The presentation also included several examples of buildings that had been incorrectly dated, but that historical sources and closer examination showed had been built in the 18th or early 19th centuries.

As examples, the presenters distributed copies of old and new survey forms for 79 Woodward Street. The building was initially considered a significant building from the federal period, but closer on-site inspection and deed research showed that it was not from 1820, as listed in the assessors' database, but 1843.

PUBLIC COMMENTS

Jeanne Jackson of 15 Forest Street asked about the qualifications of CPC members for judging historic resources proposals. She expressed concern about the barn included in the Dedham Street housing

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proposal, and the apparent lack of interest by that proposal sponsor and from the CPC itself in preserving any remaining historic interior features of that building.

Nancy Grissom and Zack Blake identified themselves as the two members of the Committee who also served on the Newton Historical Commission. They noted that the NHC had declared the barn "preferably preserved," and that the Commission's regulatory authority only extended to building exteriors. Blake also explained that surveys such as the one being proposed for 1830-1840 buildings were the kinds of tools needed to set preservation priorities and make good decisions.

Wally Bernheimer noted that the Committee relied on its own staff and on the preservation planners, and when needed, also used its administrative budget to hire specialized consultants.

COMMITTEE COMMENTS

Zack Blake asked about electronic records. Lever confirmed that all new survey forms would be computerized.

Wally Bernheimer asked what period should be documented next, after 1840. Lever noted that Newton has about 35 surviving buildings from before 1800, but about 3,500-4,000 from before 1900. Late 19th-century buildings are easier to document using atlases, directories, and City water records. In contrast, older buildings require deed research and site visits. For the time being, the Planning staff will stop at 1840. In future, they may alternate between seeking state grants and CP funding for later periods.

Grissom asked if this proposal was one of those from City departments that were not identified as a priority in current CIP. Lever said it was.

Alice Ingerson noted that simply inquiring about these early buildings was likely to raise owner awareness of their rarity and encourage their preservation, even if nothing further was done.

COMMITTEE BUSINESS cont'd

REVISED ROLES for CPC & STAFF

Leslie Burg was surprised that this discussion draft included the statement that the CPC worked for the community as a whole. She felt the CPC had always done this.

Alice Ingerson clarified that over the years, the CPC and its staff had taken increasing responsibility for helping proposal sponsors and project managers at each stage of the process: from proposal preparation, through presentations to the CPC and Aldermanic committees, through solving project management problems. As a result, less time was spent critically evaluating proposals and projects.

Nancy Grissom and Wally Bernheimer clarified that Ingerson's data on staff time & expectations had persuaded them that the Committee needed to focus its resources more clearly. They noted that past, premature or poorly prepared proposals had absorbed significant amounts of staff and Committee time. Requiring pre-proposals, and providing direct Committee feedback on them before the submission of full proposals, should help to prevent this.

The Committee unanimously endorsed the new approach and asked Ingerson to incorporate it into the existing *Proposal & Project Handbook* and program website.

Leslie Burg noted that she had spoken further with the President Lennon of the Board of Aldermen about streamlining the Aldermen's review of proposals. Ald. Lennon planned to docket an item to eliminate the Aldermanic CCP and route CPC funding recommendations directly to the Finance Committee and any other committees as appropriate. If accepted, this new procedure would begin in January 2011.

◆ UPCOMING WORKING SESSION SCHEDULE

The Committee unanimously agreed to schedule a working session for the Early Architecture Survey at the 15 December 2010 meeting, but to postpone scheduling other working sessions until after the remaining public hearings at the December meeting.

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◆ UPDATE on LOWER FALLS BRIDGE PROPOSAL - Withdrawn

Nancy Grissom and Wally Bernheimer met in late October with the City of Newton Solicitor and Associate City Solicitor, who re-affirmed their previous advice that any investment of Newton CP funds in state land should require granting a restriction to the City, although some staff members at the state Dept. of Revenue feel that restrictions are only mandated by the CPA for funds invested in private property.

Ingerson noted that the CPA explicitly requires property acquired with CP funds to be owned by the municipality, and to be bound by a permanent restriction. Article 97, cited by DCR as making a restriction unnecessary for state lands, also applies to municipal lands. Yet the framers of the CPA considered Article 97 inadequate protection for municipal lands, and it seemed likely the same was true for state lands.

◆ MINUTES of 20 OCTOBER 2010 MEETING

The Committee generally approved having shorter minutes with summaries of Committee comments. However, Leslie Burg asked that the names of individual members always be associated with their specific comments.

Wally Bernheimer moved approval of the October minutes; Tom Turner seconded the motion. The minutes were approved unanimously as submitted.

Ingerson distributed the summary of state conflict-of-interest law and received signatures confirming receipt from Turner, Bernheimer, Blake, Burg, Feinberg, and Clark. Grissom had already submitted her signature through the Newton Historical Commission. Ingerson will ask Dan Green to submit his through the Conservation Commission.

Steve Fauteux has indicated his desire to rotate off the Committee as soon as the Mayor can appoint another resident of Wards 1 or 2 with an interest in recreation. Grissom noted that an announcement of this impending vacancy had been submitted to Sarah Ecker, the Mayor's Director of Community Relations, and should appear soon in the *Newton Tab*.

Chair Nancy Grissom adjourned the meeting at 9:20 pm.

CPC MEETING PACKET (all materials available upon request)

- summary of available funds (current version online at www.newtonma.gov/cpa/reports/NewtonCP-funds-current.pdf)
- discussion draft: revised CPC & staff roles
- Charles River Lower Falls Bridge/Approaches: recent correspondence
- 2nd copy of completeness analysis for new proposals
- future meetings schedule

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