

The hearing was held on Wednesday 14 January 2008 in Newton City Hall, Room 209.

Attending members of the Community Preservation Committee (CPC): Joyce Moss, Judy Jacobson, Charles McMillan, Nancy Grissom, Dan Green, Stephen Fauteux, Walter Bernheimer.

Program manager Alice Ingerson served as recorder.

CPC Chair Joyce Moss called the hearing to order at 7:10 pm.

She welcomed the public and asked how many of the 40-50 people in attendance had come strictly to hear about or comment on the Charles River Lower Falls Rail-To-Trail Bridge Conversion proposal. A show of hands indicated that about 2/3 of those present were interested only in that proposal. In response, Moss announced that this proposal would be heard first, followed by the others in the previously published order, alphabetically by title.

7:15 pm

CHARLES RIVER LOWER FALLS RAIL-TO-TRAIL BRIDGE CONVERSION

Project representative George Kirby had to miss the meeting due to a recent death in the family. His presentation summarizing the proposal was read by Beth Schroeder, President of the Newton Conservators:

Goals: Restore and convert the unused railroad bridge crossing just downstream of Route 16 over the Charles River for pedestrian use and connection to a potential pedestrian trail from Wellesley and Newton Lower Falls to the Riverside T station.

Contacts: Manager: Kevin Hollenbeck, Mass. Dept. of Conservation & Recreation; Newton contact: George Kirby, Newton Bicycle/Pedestrian Task Force Chair; *email:* newtonbikeped@gmail.com; *phone:* 617.463..207

Total project cost: \$400,000

Other funds: \$100,000 from Wellesley CP Program; \$200,000 matching funds from DCR

CP funds requested: \$100,000

PUBLIC COMMENTS

State Representative Kay Khan thanked the CPC for considering this proposal, and the Newton Conservators, Bike Newton, Charles River Watershed Association, Newton Bicycle & Pedestrian Taskforce, some elected officials, Wellesley Trails Committee and Natural Resources Commission, and others for supporting the project. She has lived for 38 yrs on St. Mary's Street, and feels that since train service ended, the area has remained dormant. She very much favors this project, which she feels would create a tremendous asset for Lower Falls, Newton & Wellesley, and beyond. By enhancing access to the Riverside station, it would also encourage more use of public transit for commuting, shopping, and recreation.

Alderman Jay Harney commented on the large number of people who had come to hear about or comment on this proposal, and urged the CPC to continue the public hearing on this proposal at a later date, so every interested person could be heard. CPC Chair Joyce Moss noted that further public meetings would be held, as all CPC working sessions on proposals are public meetings. One of these public meetings could be declared a continuation of the public hearing per se, if needed. Alice Ingerson noted that she would also collect and convey to the CPC any comments after the meeting that were received in writing, and that her email address was on all copies of the agenda distributed at the meeting, as well as on every page of Newton's Community Preservation website.

Jerome Graff, of 21 Oakland St in Newton Corner, was very supportive of the project, in part because it involved matching funds from Wellesley and the state Dept. of Conservation and Recreation (DCR). He could not think of a better opportunity to make bicycle and pedestrian connections in Newton. He is a daily

bicycle commuter and works at the state Dept. of Environmental Protection as intra-agency bicycle coordinator, and is also a member of the Newton Traffic Council.

Another resident of Newton Lower Falls noted that neighborhood opinion of the project was mixed. This speaker asked how the potential path was related to the potential redevelopment of the Riverside MBTA parking lot and, at the other end of the potential path, the former Grossman's site in Wellesley, for mixed or commercial uses.

Sean Roche, a member of Newton's Bicycle & Pedestrian Taskforce, noted that the proposed redevelopment at the former Grossman's site has plans for ground floor retail space and upper-floor residential uses. He believed the bridge would make it easier for residents of Newton Lower Falls to take advantage of shopping and restaurants in Wellesley Lower Falls without driving. No commercial development is envisioned on the Newton side. Pathways from bridge could take one or more of several routes on the Newton side, along the river rather than straight to Riverside.

Steve Garson, a resident of St. Mary's Street in Lower Falls and a bicycle commuter, noted that it is already easy to get to the Lower Falls Wellesley retail area, since he walks to work there. Converting this bridge would save him only 2 minutes. He would prefer to use CPA funds for the maintenance of parks and playgrounds elsewhere in Newton. He believed that walking on the street creates more community social bonds than would be fostered by an off-street path, and that all abutters will put up fences if the public path is built. He saw the bridge proposal as the opening part of a larger scheme to construct the entire path to Riverside.

Peter Schilling, another resident of Newton Lower Falls, questioned the use of Newton CPA funds to rehabilitate a bridge owned by DCR. He believed the proposal was not really about recreation, but was more an attempt to pressure Newton to create new transportation access to Riverside. Along with other abutters of the proposed path, he believed that they own the land on the railroad right of way, and that the deed giving DCR ownership of this land specifically prohibits its use as a transportation corridor. Legal ownership and uses of the land are still in court. He also believes that the recent Supreme Judicial Court ruling in *Seideman v. Newton* would block this project. This proposal has divided the neighborhood. In a survey conducted 3 yrs ago, two residents opposed the proposal for every 1 resident who supported it. He feels that the proposal's sponsors have bypassed the neighborhood to bring this proposal to the CPC, and that the proposal is partly driven by Representative Khan. There has been no effort to get a unified consensus.

Ruth Levins of 25 Baker Place in Newton Lower Falls, an abutter, stated that she was a participant in the litigation just mentioned about ownership of this land. She has lived in the neighborhood for over 51 years. She worked as health and welfare worker for City of Newton for many years. When she and her husband bought their house, they were assured that the train would eventually disappear, and there was a gentlemen's agreement that the land would revert to the abutters, once train service ended, though this was never put in writing. She noted that residents can walk to Wellesley Lower Falls now, and do not need another access point, the Washington Street bridge is adequate. She was very much opposed to this proposal. She felt the neighborhood was peaceful and undisturbed, and that the main reason the proposal has come up now is because a member of Rep. Khan's family had sent a letter requesting that the corridor be cleaned because it was a fire hazard, which Ms. Levins felt was not the case. She also noted that the bridge was not unsafe – there have been no hospitalizations or deaths due to it. It should be left as is, or removed. It has no historical significance, her classic 1950s house has more significance. She believed that what happens in Wellesley will not stay in Wellesley. If the bridge is rehabilitated, that will lead to major commercial redevelopment at Riverside.

Tod Cochrane of 56 Chasky Avenue, Auburndale, was a member of the Charles River Wheelmen and the Bicycle & Pedestrian Taskforce. When riding a bicycle, he actually found it difficult to get down Concord Street to take a right onto Washington Street. He felt this project would help Auburndale residents get to Lower Falls.

Charles Stover of 72 St. Mary's St. was an abutter opposed to this project. He felt this proposal was just one of 4 parts of a larger proposal, including 2 very large bridges over Rt 128. Access would come through the repair yards owned by the MBTA. The total project involved large capital and maintenance costs. He

questioned the likelihood of getting the other funds this proposal suggests will be leveraged by Newton CPA funding. The budget of DCR has been stretched beyond its capacity for many years, and the Dept. may find it difficult to maintain 3 more bridges. As a transportation corridor the path would duplicate city sidewalks already in place, as it just parallels existing streets. The Grove Street bridge was rebuilt 5 years ago with extra-wide sidewalks to accommodate pedestrians. It was unclear how much the proposed path will be used. Residents generally prefer to walk on streets and sidewalks. The proposed path was really a “road to nowhere” and possibly a “bridge to nowhere.” He questioned whether this would really provide more green space – given golf course, riverbanks, and species habitat already provided by the old railroad bed, the bike path would disrupt more natural systems than it would preserve.

Joyce Moss asked if any abutters or neighbors supported the project.

Jim Slattery, of 558 Grove Street noted that most objections are to the path, not to the bridge, but that other paths/routes could be connected to the bridge. He felt the bridge would make an easier and more pleasant connection to existing recreational paths in Wellesley, and that the existing bridge over Rt 128 was very dangerous for pedestrians. He hoped that the neighborhood would work on alternate paths that could be connected to the bridge in the proposal. He felt that most residents in Lower Falls would prefer not to use a path that goes between houses, and that a great deal of litigation would be necessary to clarify property rights associated with that path. He doubted that DCR or other funding would be avail for the full path to Riverside any time soon.

Joyce Moss also asked the project sponsors to clarify the word “approaches” in the proposal. Sean Roche explained that this referred to land running from Washington Street to the river on the Wellesley side, and from the railroad bridge to Concord Street on the Newton side.

In response to a question from Guive Mirfendereski Sean Roche noted that the bridge was in both Wellesley and Newton, because the boundary line runs down the middle of the river.

Deb Crossley, a resident of Circuit Ave in Newton Highlands, spoke about the proposal on behalf of the League of Women Voters. The League was very enthusiastic about this project, and recommended funding it. They have long supported developing more linear pathways through the City, which they felt would be consistent with both the Comprehensive Plan and the goals of the Community Preservation Act. They recommended seeking private funds as well, especially from the redeveloper of the old Grossman’s site in Wellesley.

Another abutter of the proposed path noted that DCR was unable to maintain what it now owns, and had a \$750 million maintenance backlog. The Waltham portion of the existing Charles River Path owned and managed by DCR was full of litter, and looked very different from the appearance predicted in a presentation made by DCR planner Dan Driscoll to the community about that path before it was created. The speaker urged the CPC to recommend funding for projects that united the community rather than divided it.

Bill Aldrich, of 773 Commonwealth Avenue, was a member of the national association of railroad passengers, the Charles River Wheelmen, and several other local organizations. He advocated restoring and expanding rail service, rather than converting old rail beds to bicycle and pedestrian use. He agreed that historically, many rail beds were leased on the condition that if the rail use ceased, the land would revert to the abutters. He disagreed with the “not in my backyard’ opposition to this project, but preferred use of the corridor for transit to its use for walking and bicycling. In contrast with the project’s sponsors, he did not think people would use this route to get from Riverside to the golf course/ski track, especially in the winter. His main goal was getting cars off the road.

Sharon Barrett, of 30 St Mary’s Street, had been a Lower Falls resident since 1983 and was a direct abutter of the proposed path. She has opposed the project since it was first proposed. She felt the quality of life and natural setting behind her own home would be severely damaged by the project. She was very surprised to hear that the proposal had been submitted to the Newton and Wellesley CPCs because she believed it was not legal to use CP dollars on land not owned by the city. She felt DCR would not maintain the path if they were not willing to build it with their money. She further questioned the submission of this proposal as both a recreation and a potential historic resources project, and felt it could only be one or

the other: that it could only be allowable as a recreation project if a new bridge was being built, or as a historic resources project if it was rehabilitating an existing bridge.

Brendan Feeny of 17 Hagar Street, had lived in Newton Lower Falls for 80 years. He noted that the Newton Lower Falls Improvement Association had discussed this proposal several times, including extending the proposed path over the Charles River by means of this bridge. He stated that the neighborhood opposed the project and had gone on record to that effect through the Improvement Association after the project was previously presented at the Lower Falls Community Center. He had visited 82 families personally to ask their opinions, and reported that they were mostly opposed to the project. He agreed with Ruth Levins that the bridge in its current condition was indeed a great hazard to the children of the neighborhood, but fortunately, since most children no longer walk, they were not in direct danger from it. He felt that DCR had a poor record of maintenance, and that the Police Department in Waltham had been overburdened in ensuring public safety and controlling vagrancy, graffiti, and assaults along the Charles River path there. He also felt that Newton residents could walk easily to the Wellesley Lower Falls shops using currently available routes, and are simply not interested in doing so – new shops in the area are still vacant and have not been leased. He also wondered how the potential developer of the old Grossman's site felt about the proposal. He characterized the proposal as an intrusion into a beautiful, peaceful neighborhood. There had been many threats to the neighborhood over the years, this was just one more. Residents did not need people riding bicycles or walking behind their homes. He predicted that if the path were built, vagrants would come up the path from Riverside and threaten people in Newton Lower Falls.

Cameron McLeod of 14 Colgate Circle, Newton Lower Falls, noted that no abutters to the bridge project per se had spoken so far. He wanted to dispel two myths: first, that children no longer walk. With his two small children, he often get went for long morning walks on the Wellesley trails, across the Mary Hunnewell Fyffe Footbridge over the Charles River. He felt his children were safe until they reached the portion of their route where they had to walk along Washington St, where he had to worry about keeping them on the sidewalk, away from cars. He was very much in favor of this project.

Jim Barrett of 30 St. Mary's Street, had lived in Lower Falls for 13 years and loved the neighborhood. He urged the CPC not to consider partial planning, and argued that the bridge conversion was not a stand-alone but part of the larger path project. He acknowledged that the rail bed drained well, was well graded, and would be easy to convert for bicycle and pedestrian use, but did not feel these were good reasons to do this project. He felt funding the bridge conversion would be putting the caboose in front of the train. He felt there were many other options for improvements to be considered in this part of Newton, and that the proposed project would limit those options.

Ralph Fermentosi of 14 Sharon Road has been a resident of Lower Falls for over 15 years. He was also raising children who like to ride bikes and take walks. He was not an abutter of the proposed path, but did not think this was a good project for many of the reasons already cited.

Katherine Stover of 72 St Mary's Street had lived there since 1976. She had voted for the CPA but was distressed to have it used in this way. She felt the proposal was driven by Wellesley, to meet the need of Wellesley commuters as a transportation corridor across the river to Riverside. She felt that the community that the path crosses had not been consulted. She acknowledged that alternatives routes mentioned might be worth considering. She noted that, partly as a result of the debate over this project, Lower Falls residents no longer trust people to listen to each other and work for what's best for the neighborhood.

Alderman Jay Harney, Ward 4, commented on the project on his own behalf and that of Alderman Amy Sangiolo. He had concerns about this project and was disappointed that the project proponents had not made a presentation to any large neighborhood group prior to this CPC public hearing. As issues facing the project he listed land ownership, lawsuits, the maintenance record and capacity of DCR. In light of the governor's recent request for budget cuts in all state agencies, he questioned whether it was right for Newton to spend Newton funds for this project. He felt the bridge conversion was really part of a much bigger project, and not really a stand-alone. He felt that proponents needed to explain the options that would be available once the bridge was done, and that the bridge conversion should not happen first. He and Alderman Sangiolo would be willing to set up a meeting at the Lower Falls Community Center with

the Lower Falls Neighborhood [Improvement] Association before the next CPC public meeting or hearing on this proposal. He encouraged the CPC to leave the public hearing on this proposal open. He felt that there were probably more people who would like to speak both in favor of and against the proposal. He felt that only a few abutters of the path supported it, and that most supporters were from outside the neighborhood. He felt the City had to protect the neighbors and the quality of life they were used to in Lower Falls.

On a related matter, Alderman Harney noted that he had been talking to the winning bidder for the Riverside project, and that 2 community meetings would soon be announced for that project, on Thursday-nights: one in Auburndale and one in Lower Falls.

On behalf of the Bicycle & Pedestrian Taskforce, Sean Roche said they would be glad to help to set up more meetings about the bridge conversion proposal.

CPC Chair Joyce Moss stated that the CPC would keep the public hearing on this proposal open, and urged anyone interested to provide contact information on the circulating sign-up sheets, to ensure that they would be notified of future meetings.

8:25 pm

ARCHAEOLOGY and PRE-1920 ARCHITECTURE SURVEY

Goals: To guide future preservation and funding decisions, use above-ground data to identify probable archaeological resources in Newton; and expand and correct existing information about all pre-1820 (colonial and Federal period) architectural resources.

Contacts: Brian Lever, Senior Preservation Planner, Planning & Development Department, City of Newton, 1000 Commonwealth Avenue, Newton, MA 02459; *email:* blever@newtonma.gov; *phone:* 617.796.1129

Total project cost: \$57,000

Other funds: Applying for a \$12,000 Massachusetts Historical Commission Survey and Planning Grant, \$8,000 of staff time to be contributed by Planning Dept. for the pre-1820 architecture survey.

CP funds requested: \$37,000

Brian Lever, Senior Preservation Planner for the City of Newton, noted that state law directed local municipal historic preservation commissions, including the Newton Historical Commission (NHC), to preserve archaeological sites as one among many important historic resources. The NHC was created in 1975, when Newton also created its first local historic district. For its first 16 years, the Commission worked proactively, documenting and educating the public about the city's historic resources. In 1986 Newton adopted a demolition delay ordinance, and subsequently created 3 more local historic districts. By 2000-02, the Commission was focused almost entirely on project reviews under the demolition delay ordinance, which had almost totally eclipsed survey, documentation, and education work. Lever noted that some survey work had nevertheless been done in recent years, including a 2002 survey of 20th-century neighborhoods and the 2008-09 Heritage Landscape Inventory.

Newton's existing survey of historic resources was done in large part 20-30 years ago. Lever suggested that it was time to go back and re-evaluate the city's remaining historic resources. The city's earlier surveys did not fully document archaeological resources, although the Massachusetts Historical Commission does recognize 29 archaeological sites in the city. Lever displayed artifacts currently held in the collections of the Newton History Museum from previous investigations, but noted that these were not fully representative of the city's early history, or well documented; people tended to donate to the Museum simply artifacts found on the surface. He had talked to a homeowner that day who had found 18th-century artifacts in her yard, and would continue to work with her.

As a city, Newton knows it has archaeological sites, but does not really know where they all are, what shape they are in, or if they are protected. The proposed survey would locate and evaluate sites and predict the broad likelihood of finding new sites in different parts of the city, to identify places where construction,

road, or sewer projects should be undertaken with special care because those sites are likely to hold archaeological resources.

The current two-part proposal includes a survey of 18th and early 19th-century houses, many of which have undergone substantial change, either remodeling or demolition, since they were documented 20 years ago. This survey would be conducted by the City's two preservation planners (Lever and Katie Holmes); funding for it is being sought from the Massachusetts Historical Commission. An outside consultant would do the archaeological survey, for which CP funds are requested.

Lever also distributed handouts on community archaeology projects done by other local governments in Massachusetts, and outlined the final, standard products of an archaeological survey: a technical report, including a sensitivity map – required to remain confidential under state law, to discourage amateur archaeology or looting; and a popular report, written for the public and for use in Newton History Museum programs. The current proposal also includes a ground-penetrating radar survey of the East Parish Burying Ground, to determine without excavation where the actual burials are – as they may not match the existing location of markers; and if possible, the exact original location of Newton's first meeting house, which was also its first public building.

PUBLIC COMMENTS

Dave Morton of 148 Edinboro Street, Newtonville, and a member of the Newton Historical Commission, strongly supported this proposal. He agreed that the Commission had been largely reactive for some time, in part because they had to review up to 30 requests for waivers of the demolition delay at each monthly meeting. He noted that recent changes in the ordinance had reduced that workload and allowed the Commission to work more proactively once again, which he found very exciting. He was really looking forward to having this survey as a resource to help protect sites before they are threatened, since last-ditch efforts to protect sites after they are threatened often fail.

Deb Crossley, a resident of Circuit Ave in Newton Highlands, spoke about the proposal on behalf of the League of Women Voters. The League considered the project both worthwhile and relatively inexpensive, and supported funding it. They felt it would have considerable benefit for the work of the Newton Historical Commission, and recommended that survey results be distributed as widely as possible to all city bodies dealing with land use.

Cindy Stone, director of the Newton History Museum, also spoke in support of the project. She was very excited about its potential for meshing with current work by the Museum and the Newton Historical Society on the burying grounds, particularly to support public interpretation and education about these sites. In the 17th and 18th centuries, new towns could only be formed if the government officially recognized their capacity to build a meeting house and sustain a minister. Newton's first meeting house was what had allowed Newton to separate from Cambridge and become its own town, and it would be wonderful to know exactly where it had stood.

CPC member Walter Bernheimer questioned the need to re-survey the 29 archaeological sites already known in Newton, and whether the entire city could be surveyed adequately for only \$37,000.

Lever responded that the survey would not literally examine every square foot of ground in the city, but would build a model using already available knowledge of the various factors that tend to predict the existence and survival of artifacts and sites below the surface. The survey report would map the *likelihood* of sites, rather than *actual, individual* sites. The consultant combines all these predictive factors to produce the sensitivity map and technical report. The map would be used to guide the city's response to proposed projects, and allow the Historical Commission to conduct or require resource recovery in advance of site demolition or other negative impacts.

8:50 pm
LEXINGTON STREET COMMUNITY HOUSING

Goals: Construct and sell 10 permanently affordable 3-bedroom homes, using sustainable design and energy conservation features. 7 units to be affordable at 95 percent of median income, 2 units at 70 percent, and 1 at 50 percent.

Contacts: Geoffrey Engler, Vice President, SEB, LLC, 165 Chestnut Hill Avenue, No. 2, Brighton, MA 02135; *email:* gengler@s-e-b.com; *phone:* 617.792.2300 x202

Total project cost: \$4,262,959

Other funds: \$675,000 of Newton HOME funds, ; \$2,045,100 construction loan

CP funds requested \$1,542,859

Geoff Engler from SEB, the affordable housing consultant and developer sponsoring this proposal, made the presentation. SEB has developed about 9,000 units of housing in Massachusetts.

The proposed project includes all 3-bedroom, 2-bath units, which is unusual. It will construct 10 units, all of which will be deed-restricted to be permanently affordable. SEB believes this is the first project of this size that will be 100 percent affordable.

The finishes and design of the houses will be very nice, and will fit into the neighborhood. The development will not look inexpensive. The units will be duplexes, with decks, patios, etc. SEB believes people will be excited about the opportunity provided by this project for people to live in the city of Newton, in these houses at these prices.

The project will include full permanent public access along the path from Albert Circle to Burr School playground. This parcel is not currently in full public ownership, and the paved walkway needs repair, SEB proposes to restore the path before giving it to the City.

The original proposal to the CPC included 1 unit affordable to households at 50 percent of the area median income (AMI), 2 at 70 percent, and 7 at 95 percent. Feedback from Newton Planning Dept. and Newton Housing Partnership led to suggestions for a slightly different mix, with 3 units at 75 percent of area median income and 7 units at 95 percent

The site plan has also evolved in response to feedback from city groups. The Fire Dept has requested emergency access only via Albert Circle. Houses will be sited toward the playground, away from neighbors, preserving existing site lines and trees. Parking spaces will be dedicated to each unit, with spaces for guests. Common green space within the development could be fenced as play space, to separate it from parking/cars.

The required subsidy to make the project work is \$2.3 million. SEB is requesting \$1.5 million in CPA funds, and about \$742,000 in federal HOME funds, which represents an increase over the amounts listed in the original CP proposal. The developer is also focused on long-term affordability and minimizing the units' cost of ownership. They plan on using green building techniques, to lower energy costs for the owners.

Bob Engler, 64 Prospect Ave, also spoke about the project. He has been in Newton for 40 years, has worked on affordable housing that long, and chaired Newton Housing Partnership. He believes the project is a very exciting opportunity, one that is rare in Newton. SEB is trying not to build a development with mostly market-rate units, but to maximize the number of affordable units, and plans to use a full community review process and request funding before going for state approval.

PUBLIC COMMENTS

CPC member Charlie McMillan asked whether further changes from the original proposal submitted in December 2008 to the CPC would be finalized before any working session on the proposal. Engler said that the plan was evolving, an appraisal had been commissioned, and site engineering studies were underway.

SEB thought that the neighbors may come up with good suggestions, but by the February or March CPC meeting the proposal should have stabilized.

Deb Crossley spoke about the proposal on behalf of the Newton Housing Partnership, which has agreed to support it in concept. The Partnership recognized a critical need for housing at these income levels, especially the near-100 percent AMI level allowed by the CPA. They also recognized the developer's efforts to work with the Green Roundtable to lower the long-term costs of ownership. The Partnership has urged SEB to pursue Energy Star certification, and decided to support pricing at 75-80 percent of AMI if that is acceptable to the state Dept. of Housing and Community Development (DHCD). The Partnership had requested additional detail on how the property will receive services, deliveries, etc.

Jonathan Kanter, of 372 Chestnut St., was attending the hearing to support the Newton History Museum Proposal. But as a contractor, he had read this proposal online, and wanted to compliment the developer's efforts and goals, reiterate the recommendation to pursue Energy Star certification, and would definitely support the project.

Linda Stoler, of 151 Valentine Street, spoke about the proposal on behalf of the League of Women Voters. The League's readers found the proposal intriguing and bold. They were concerned that the proposed budget might not cover the costs of the green building techniques and desirable design being proposed. Some readers were concerned about the history of the site, which had once been a wetland. The former Pine Street dump is nearby, and some part of this site might be on landfill. The League also wanted more evidence of what the long-term condominium fees would be. The League definitely supported the proposal overall.

Jeanne Strickland, director of the Newton Community Development Foundation, also spoke. NCDF has developed and manages about 250 units of affordable housing in Newton, including one project built by SEB for home ownership (the Homes at Auburndale Yard). Residents at NCDF rental properties have expressed a strong interest in ownership opportunities, and NCDF is holding home ownership education programs with the Newton Housing Office. She was sure there would be a strong demand for these 10 units. NCDF wanted to express its very strong support for the proposal.

9:10 pm

NEWTON HISTORY MUSEUM/JACKSON HOMESTEAD EXTERIOR PRESERVATION

Goals: Replace leaking roof and rotted wooden elements, then repaint the 1809 house and its 17th-century wing that house the Newton History Museum, in historically documented colors, in time for the house's 200th anniversary celebration in 2009.

Contacts: Manager: Nicholas Parnell, Newton Public Buildings Commissioner, 52 Elliot Street
Newton Upper Falls, MA 02464; *email:* nparnell@newtonma.gov; *phone:* 617.796.1600. *Other contact:* Cynthia Stone, Director, Newton History Museum, 527 Washington Street, Newton Corner, MA 02458; *email:* cstone@newtonma.gov; *phone:* 617.796.1451

Total project cost: \$155,144

Other funds: \$18,900 for architects' fees through Newton Public Buildings Dept. (on-call architect)

CP funds requested: \$136,244

Museum director Cindy Stone made the presentation. The Jackson Homestead was built in 1809 by Timothy Jackson, a Revolutionary War veteran, and has housed the Museum for 50 years. The building contains archives and changing exhibits, and provides programs for public and school groups. The 3-dimensional collections are in the attic and outer portion of the 17th century wing. The Museum has requested funding to restore the exterior in time for the building's 200th anniversary in 2009.

The building has been rehabbed and repainted in the past, but substantial work has not been done in the past 15 years, other than temporary patching. It needs paint to protect the wood, decorative and structural elements. The roof has leaked into the interior on the 2nd floor. Roof has been patched. Nick Parnell, Newton Public Buildings Commissioner, had noted that the roof as a whole needs replacement, as do much of the soffit and fascia and step flashing. The deteriorated tiebacks on the shutters have to be cast

from scratch to maintain their historic character. Taken altogether the needed work constitutes a serious restoration of the exterior, along with the painting.

Stone addressed the question of whether the proposed work was maintenance, which is not an allowable use of CPA funds. The Museum had consulted the nonprofit Community Preservation Coalition, including staff member Kathy Roth and president Clarissa Rowe, who expressed the opinion that this proposal fits the model for many other projects that have used CPA funds for roofs and painting. Roth felt it fit under the definition of preservation in the Community Preservation Act – protection from injury, harm, or destruction.

PUBLIC COMMENTS

Newton Historical Society Board member Jonathan Kantor noted that many of the windows were in a bad state, and would be fully restored, not just painted.

Deb Crossley spoke about the proposal on behalf of the League of Women Voters of Newton. Overall the League recommended support of this project and the History Museum in general. They realized that preservation did require painting and replacement of certain elements. However, they also recognized that deferred maintenance had caused some of this deterioration. The building had been neglected for at least 10 years. The City needs to think about how it will fund the future maintenance of the value created by investing CPA funds in the current project.

Historical Society Board member Russel Feldman noted that some previous maintenance and restoration work had been done about 10 years ago, with Massachusetts Historical Commission funding for exterior work, which included restoring clapboards and brickwork, and some significant work on the shutters. The current project would address needs not met through the previous project, especially the roof, and was really a completion of the restoration process begun by the earlier project. The current proposal was critical to preserving the collections stored in the building, as well as the building itself.

9:20 pm

WARREN HOUSE APARTMENTS HISTORIC PRESERVATION & COMMUNITY HOUSING

Goals: Preserve the 21 units of affordable housing in this historic 1926 junior high school by repairing and restoring the original slate roof, above-roof-line masonry and cast stone, which have developed leaks that threaten the building's integrity.

Contacts: Jeanne Strickland, Director, Newton Community Development Foundation, 425 Watertown Street, Suite 205, Newton Corner, MA 02458; *email:* jeanne.ncdf@verizon.net; *phone:* 617.244.4035 x24

Total project cost: \$1,747,500

Other funds: \$100,000 in Warren House reserves; \$43,123 in inclusionary zoning funds

CP funds requested: \$1,080,000

David Ennis, president of the Newton Community Development Foundation Board, made the presentation. He noted that NCDF had been looking for ways to rehabilitate Warren House for several years, and estimated that this might be the project's 4th appearance before CPC.

The Warren Junior High School was built in 1928 and is on the National Register of Historic Places. In 2006 NCDF collaborated with the Newton History Museum to organize a very successful celebration of the school's history and its adaptive reuse for community housing in 2006.

In the 1980s the school sat empty for 10 years until NCDF in partnership with Bob Keen redeveloped it as 59 apartments, 21 of which are affordable to households at up to 60 percent of area median income, and also houses a subsidized day care center. Much needed restoration and rehabilitation work, especially on the roof and the building envelope, was not done at time of the school's original conversion to housing in 1992. The project's regular, annual operating budget covers basic maintenance but not this major work,

CONTACT: Alice E. Ingerson, Community Preservation Program Manager, aingerson@newtonma.gov, 617.796.1144

and cannot be used as collateral for loans to fund capital work at this scale. Leaks have been stopped as they occur, and many repairs have already done, but major underlying problems must still be addressed.

NCDF hired Gale Engineers to do a capital needs assessment, which they estimated at about \$1 million. After NCDF submitted its first CPA proposal, many commentators encouraged expanding the scope of the project and the CPA funding request. Additional funds from other sources, including refinancing, would be needed to cover the full scope of about \$4 million.

Unfortunately, refinancing proved not to be feasible. Mass Housing, as the project's major lender, has refused to refinance the project. Change in the field of affordable housing finance is happening, but not fast enough for this project. Refinancing may be possible in another year or two, but finding new investors will be difficult for some time. NCDF hopes to complete the full needed scope of work within 2-3 years. NCDF is currently proposing to use CPA funds only for the critical initial work above the roofline. Soft costs in the proposal cover only necessary engineering and site supervision. NCDF will contribute its own staff time for project management.

PUBLIC COMMENTS

Phil Herr spoke about the proposal on behalf of the Newton Housing Partnership, which has met several times with NCDF about this project. The Partnership feels this building is really an extraordinary asset. It represents all 4 CPA resources, including community open and recreational space around the building, and community housing and historic resources as part of the building. The Partnership strongly supports the proposal.

The financial analysis involved is very complicated. The Partnership's members wrestled with these issues and concluded that the need is well demonstrated, and that this would be an appropriate use of CPA funds. However, they did ask for a clearer, simpler presentation of the project; and urged NCDF to work with the Mayor and other Newton elected officials to find ways to make refinancing possible for this project as a model for many others in similar situations.

Linda Stoller spoke about the proposal on behalf of the League of Women Voters. They felt the history of the building and project had been well covered, and concentrated their comments mostly on the conversion of the school for housing and financial planning to cover the building's ongoing needs. They wondered whether the currently affordable 21 units could be made affordable in perpetuity; if not, they felt this project was not a good use of CPA housing funds.

The League found the proposal difficult to analyze, and noted that transparency and clarity were critical in requesting public funds.

The League also noted that the proposal lacks a clear, quantitative schedule of repairs and only deals with the roof, not needs for the façade, or other capital needs identified by Gale Engineers; reports. The League agreed that the roof work was the most critical, but felt that the organization of the proposal raised questions about how priorities had been set. They also agreed that replacing the slate roof made sense. They wondered if there were any guarantees on previous roof repairs that now appear to be failing, in which case those guarantees might be used to cover needed repairs. They also recommended that the entire building envelope be tested for air tightness as well as water infiltration, and that NCDF consider hiring an energy services company to find ways of financing current energy-saving improvements to the building from future energy savings created by those improvements.

The League's major concern was that the building as a project might not be financially sustainable, given current NCDF financial statements and operating budgets. Mortgage debt was a heavy burden on the project. The League calculated that NCDF owed the City of Newton a balance of \$1.98 million on the ground lease for this project, and was also not servicing its loan from DHCD. The opening balance of NCDF reserves appeared to be only \$41,000, so the League could not confirm that the proposed \$100,000 contribution by NCDF would be available.

In the end the League's analysis showed \$5.7 million of outstanding obligations on a property valued at only about \$6 million. The League felt the City needed the revenues from this building. The building reverts to the City at the end of the ground lease. As this financial situation continues, the building

becomes less attractive to alternative owners, and there is less incentive to continue investing in the building..

In conclusion the League supported the project, but would not support additional future funding without a clear plan for future funding of the building's needs.

Alderman Amy Sangiolo asked whether other historic funds might be available for the project. .

David Ennis responded that historic rehabilitation tax credits would be available to new investors, if refinancing was ever possible.

Alderman Jay Harney noted that he lived around the corner from Warren House and was very interested in maintaining it. He felt the League of Women Voters had presented an extremely disturbing picture of the building's finances, and he now had serious questions about whether the building was financially sustainable, and therefore justifies a \$1 million investment of CPA funds.

Jeanne Strickland responded to the League's comments by noting that the remainder of the \$100,000 proposed reserve contribution would come from special extra reserves, escrow, etc., and offered to submit a full balance sheet and NCDF's most recent annual audit to the CPC.

Bob Engler also responded to the League's comments, in his role as President of NCDF. He expressed concern about what the League's comments implied about the organization's overall fiscal stability. He noted that NCDF had been asked to take on the redevelopment of this building after a previous developer had gone bankrupt trying to meet the city's financial demands. NDCF was doing the best job it could with the conflicting goals imposed on it for this building. The mortgage was being paid, and some of the original loans were forgivable as long as affordability was maintained. He saw no practical alternative to the current proposal. Increasing the rents for market-rate apartments in the building would help, but did not seem possible in the current economy.

David Ennis also confirmed that NCDF was paying its mortgage with Mass Housing, and that the project was basically financially healthy. He believed the League's readers might not have appreciated the way that the project's other original debts had been structured to maximize losses to the investors, so they could take advantage of federal housing tax credits.

Chair Joyce Moss adjourned the public hearing on new proposals at 9:55 pm.