

The meeting was held on Wednesday 25 February 2009 in Newton City Hall, Room 209.

Attending members of the Community Preservation Committee (CPC): Joyce Moss, Judy Jacobson, Zack Blake, Nancy Grissom, Dan Green (arr. 7:10 pm), Walter Bernheimer, Ken Kimmell, Tom Turner, Stephen Fauteux.

Program manager Alice Ingerson served as recorder.

CPC Chair Joyce Moss called the meeting to order at 7:02 pm.

7:00

COMMITTEE BUSINESS & UPDATES

Joyce Moss introduced Zack Blake, the new representative appointed by the Newton Historical Commission, and asked him to tell the Committee about his background. Zack works for the Massachusetts Department of Revenue Division of Local Services, where he consults with municipalities on budgeting and operations. He also has a background in historic preservation and museums, having worked for the Commander's Mansion in Watertown, MA and the John Muir Homestead in California,

VOTES Judy Jacobson moved and Wally Bernheimer seconded approval of the 17 December 2008 minutes, which were approved unanimously, with members who had not attended that meeting abstaining (Tom Turner, Ken Kimmell, Zack Blake).

Nancy Grissom moved and Wally Bernheimer seconded approval of the 14 January 2009 minutes, with members who had not attended that public hearing abstaining (Tom Turner, Ken Kimmell, Zack Blake).

Joyce Moss asked for Committee feedback on the January 2009 public hearing, particularly her decision as chair to allow lengthier public comment on the Charles River Lower Falls Bridge proposal, which was the only proposal of interest to most members of the public who came.

Wally Bernheimer endorsed the decision to put that item first, let people speak, but set a time limit for the total discussion - as Moss had done. Dan Green, Judy Jacobson, and Nancy Grissom all agreed with his comments.

Fiscal 2009 BUDGET REVISION

Alice Ingerson presented a proposal to revise the CPC's Fiscal 2009 administrative budget: to allocate \$2,400 more for office equipment, signage, and outreach, including space rental for community meetings associated with specific projects (when project appropriations had not included these costs); and \$27,000 to a program of competitive "mini-grants," to allow prospective sponsors to seek assistance with proposal preparation from specialized consultants. She proposed to re-allocate these resources from the budget lines previously approved for program planning and project management support from City staff other than herself departments, where fiscal 2008 actual expenses, and both year-to-date and projected fiscal 2009 expenses, suggested the full budgeted amounts would not be needed this year.

Ingerson suggested that two areas where proposals could benefit from such assistance were: (1) evaluating and articulating the significance of historic resources, a category that was under pressure because it was effectively the only one within which the CPC could recommend funding for rehabilitation and adaptive use of resources not acquired or created with CPA funds; and (2) grantwriting or fundraising, in part because the CPC was considering more stringent requirements for matching funds. She noted that the existing online list of "other funding sources" was labor-intensive, generally out of date - as she could not devote sufficient time to make it accurate and comprehensive for all CPA-eligible resources, and as far as she could tell, seldom if ever used by applicants.

Ingerson also noted that the mini-grants could not realistically be implemented in fiscal 2009, and would depend on being able to roll funds over from fiscal 2009 to fiscal 2010.

Judy Jacobson was uncomfortable with the mini-grants idea, and suggested putting any unused resources instead into the existing line item for consultants, who could be hired to help either the CPC or project proponents with proposal preparation and evaluation.

Joyce Moss doubted whether the CPC had the energy to deal with an additional grants process, even one that did not require going through the Board of Aldermen. However, she also foresaw a need to strengthen future historic resource proposals, and to help sponsors comply with the Secretary of the Interior's *Standards*, especially for parks and playgrounds.

Jacobson noted that she was not enthusiastic about putting more resources into historic resources studies, even as proposal preparation; she preferred to do concrete things rather than fund more studies.

Nancy Grissom thought proposal assistance would be useful in lots of situations, not just for historic resources, and noted that the past proposal for 230 Lake Avenue (Crystal Lake) had needed help with its plan to raise private matching funds.

Joyce Moss noted that such help could be funded as Jacobson had suggested, by expanding the budget's consultant line. Nancy Grissom and Zack Blake agreed.

Wally Bernheimer noted that this kind of help was most important at an early stage; if a grantwriting consultant can help someone get other funds, that would reduce the pressure on the Community Preservation Fund. The earlier such help can be provided, the better.

The Committee asked Ingerson to confirm whether funds could be rolled over from one fiscal year to the next if they were allocated for consultants.

VOTE Dan Green moved and Nancy Grissom seconded re-allocating resources in the amounts recommended, but putting funds for proposal preparation assistance in the existing budget's consultant line. The motion was approved unanimously.

ACCESSORY APARTMENT INCENTIVE PROGRAM

Alice Ingerson noted that the Committee had previously received a letter from Community Living Network (CLN), the sponsor and manager of this program, noting that CLN was going out of business as an organization at the end of January 2009. She reviewed briefly the final report of CLN's work on the program that had been submitted to the CPC; no apartments were created. Program management had absorbed \$46,416 of the original \$320,550 appropriation. After consulting the Planning Department's housing staff, she recommended closing out the remaining balance, while encouraging the submission of future proposals aimed at increasing Newton's stock of affordable housing while preserving and adapting existing homes.

Joyce Moss felt that the program did not work for several reasons: Newton's current zoning for accessory apartments was too restrictive, most of the homes owned by people interested in participating were on lots too small to qualify; and owners did not want to accept perpetual deed restrictions. She felt such a program could not work as long as accessory apartments had to carry permanent deed restrictions and count toward Newton's inventory of officially affordable housing in the Dept. of Housing and Community Development's statewide inventory. Accessory apartments were more affordable by definition than other types of units, even if they were offered at market-rate rents.

Ken Kimmell noted that the CPC had spent time in fiscal 2008 getting Board approval to extend the program, and felt there was no reason to repeat that process and look for a new program manager.

Judy Jacobson noted that the program reflected the CPC's longstanding focus on responding to community initiatives, one of which was this project. Although community advocates for housing had put significant energy into the program for some time, it had not worked out. She endorsed returning the unspent funds. She did not endorse Ingerson's suggestion that the CPC actively encourage future proposals with similar

goals. She thought the CPC should simply consider such proposals if submitted, in the normal course of things. Wally Bernheimer agreed

Jacobson also noted that the CPC could urge the Newton Housing Partnership to think about other approaches to achieving those goals. Joyce Moss agreed, and suggested that organizations such as the Housing Action Plan Initiative (HAPI) and League of Women Voters of Newton (LWVN) should be pushing for changes in Newton's zoning ordinance for accessory apartments. Ken Kimmell agreed that this was what was really needed.

Myra Tattenbaum, a member of the League's Housing Committee, noted that this League committee had discussed this issue, and planned to ask candidates about it during the upcoming mayoral election campaign.

VOTE Judy Jacobson moved, and Nancy Grissom seconded, asking the Comptroller to return the unspent balance for this project to the Community Preservation Fund. The motion was approved unanimously.

7:30

Fiscal 2010 *COMMUNITY PRESERVATION PLAN*

Joyce Moss summarized comments at the fall 2008 public hearings about the idea of setting aside more than the statutory minimum 10% of funds annually for open space and housing. She asked how the CPC should prepare in advance for future large opportunities, given the program's diminishing resources. It would be too bad to miss a future opportunity with a potentially large impact.

Nancy Grissom asked why such a reserve should be limited to just housing and open space, rather than be available for all categories.

Ken Kimmell supported the idea of creating a conservation reserve. However, he also noted that the CPC would have a reserve in fiscal 2010 automatically, because fiscal 2009 available revenues exceeded the total amount of current proposals. He was not sure there was any need to reserve funds deliberately; in fiscal 2010 the CPC might receive great proposals and decide to spend all available funds.

Wally Bernheimer noted that such reserves would not always happen automatically, but he suggested doing nothing now other than carry the fund balance over to next year. He did not support allocating the funds to any particular purpose or resource in advance; or a rigid policy of not spending all funds available each year. The CPC could decide to create a reserve in some future years, but should be opportunistic

Dan Green thought it was advisable to plan a reserve now, for the longer-term future, and preferred to set a precedent for this now, when a surplus was available.

Nancy Grissom agreed that this was especially important for affordable housing, and for open space – knowing that future proposals would probably be submitted for improvements at Crystal Lake.

Alice Ingerson suggested that the Board of Aldermen would have to appropriate funds to a reserve that was restricted to specific fundable resources, but that the CPC could probably set its own policy of trying to build a general cash reserve, for example, perhaps \$2 million – with the goal of minimizing the need for debt financing of future large projects.

Wally Bernheimer suggested, and the Committee agreed, to have Ingerson confirm whether and when the Board of Aldermen would have to approve or appropriate funds for reserves, and to take this question up again at the March meeting.

Joyce Moss proposed to postpone the discussion of leverage or matching funds requirements to the March meeting, and the Committee agreed. Bernheimer asked for a progress report on fundraising for the Durant-Kenrick Homestead. Joyce Moss summarized an oral report given by Historical Society Board President Anne Larner at the previous meeting of the Aldermen's Committee on Community Preservation. The Society reported that they were on schedule for raising the required \$900,000 in matching funds within four years.

7:50

WORKING SESSION ON CURRENT PROPOSALS

ARCHAEOLOGY SURVEY

Newton Senior Preservation Planner Brian Lever summarized this funding request. He displayed for the Committee several archaeological artifacts found in Newton, and now part of the Newton History Museum's collections. He noted that phase 1 of this project, for which CPA funds were being requested, would produce a technical report, with a model and map of archaeological sensitivities/probabilities, using predictive factors, including older buildings and other factors. The probable existence of Native American sites for example, would be predicted based on a complex combination of factors, including topography, usable resources, nearness of water, etc.

The project also included a ground-penetrating radar (GPR) survey of the East Parish Burying Ground. The boundaries of colonial cemeteries are often amorphous, and at other such sites, graves have been found at or beyond the formal edges or walls. At one Roxbury site, 1,000 sets of remains had been found on a site that had been re-used as a playground, then a parking lot, then developed for condominiums. Nancy Grissom noted that the historic preservation email list had recently included reports of grave markers found in private back yards.

The technical report and GPR survey would guide future development review by the Planning Department, and help to set priorities for acquiring preservation restrictions or further archaeological investigation and excavation.

Finally, the project would also produce a popular report that could be used in Newton History Museum and Newton Public Schools programs, and would be made available to the public. Two community programs are included in the proposal – to be used both to education the public and to solicit information from them.

Lever passed around examples of popular reports from archaeological surveys in other communities.

Lever noted that many of Newton's known 29 archaeological sites had been found by accident, during major construction projects that had destroyed the sites, with no investigation ahead of time. Although existing laws now protect some resources, like human remains, those protections are limited.

Joyce Moss asked whether the use of federal funds for projects would trigger a requirement to survey a site's archaeological resources. Lever noted that it did, but only if the site's archaeological potential had already been identified through a survey. The Massachusetts Turnpike was constructed in Newton during the 1950s, before the National Historic Preservation Act was passed in 1966. Large projects now do require such review now; the proposed redevelopment of the Riverside MBTA property was one example.

Lever also displayed a map of pre-1820 buildings in Newton, based on incomplete data in the Assessors database, related to phase 2, for which funds had been requested from the Massachusetts Historical Commission (MHC). Phase 2 had not been funded in this year's round, but he planned to apply again to MHC next year.

Members of the Newton Historical Society, present to support the Newton History Museum proposal also scheduled for this meeting, expressed their support for this project.

Nancy Grissom noted that the project's 2 phases would compliment each other. Wally Bernheimer suggested that Lever revised the proposal and request CP funding for both phases.

Joyce Moss asked if there was any impact from conducting the 2 phases consecutively rather than concurrently. Lever preferred to do phase 1 (archaeology) first, though they could be done in either order. There was no major disadvantage to doing the 2 phases consecutively.

Judy Jacobson and Joyce Moss supported Lever's current strategy, of trying to obtain matching funds from another source for phase 2. The Committee as a whole encouraged submission of a phase 2 funding proposal in 2010, if other funding is not obtained.

Moss noted that she lived on a hill that John Eliot preached on. She asked what the impact might be on the value or potential uses of her property if it were found to be "sensitive" archaeologically; in short,

whether the survey would have regulatory impacts. Lever explained that the Planning Department might ask her to consider letting someone excavate and recover archaeological information from the property before building a planned addition, or if anything is found, to donate a preservation restriction – which would qualify as an income-tax deduction.

Ken Kimmell asked if the survey could lead to wider application of the demolition delay ordinance. Lever explained that this ordinance only applies to structures, not below-ground potential archaeological resources.

Zack Blake and Dan Green agreed that this project was important, because the City could not know what it should preserve until it knew what it had that *could* be preserved.

Judy Jacobson, Tom Turner, Steve Fauteux, Ken Kimmell, Nancy Grissom and Joyce Moss all expressed support for the project, and encouraged Lever to apply for CP funding of phase 2 if Mass Historical Commission funding was not obtained.

VOTE Nancy Grissom moved, and Steve Fauteux seconded, recommending full funding as requested for this project: \$37,750, including \$750 for legal costs.

The motion was approved unanimously, 9-0.

NEWTON HISTORY MUSEUM EXTERIOR PRESERVATION

Museum director Cindy Stone summarized the proposal. She noted that the Museum's building, the Jackson Homestead, is the pre-eminent historic building in Newton. It needs a replacement roof, replacement of deteriorated wood features on the exterior, and repainting to protect the wood from future deterioration. The project will preserve both the building itself and the irreplaceable historic collections housed in it.

She introduced Board members of the Newton Historical Society and Trustees of the Jackson Homestead who had come to support the project: Russ Feldman, Jonathan Kantar, and Sheila Donahue.

Public Buildings Commissioner Nick Parnell stated that this was the best documented historic resources project that the Public Buildings Department had ever brought to the Committee, and offered to answer questions.

Wally Bernheimer noted that the Board of Aldermen had recommended that this project be submitted to the CPC the previous summer. He generally supported it but was concerned about using only CPA funds, and felt some of the funding should come from the City's general or capital funds. He believed that some of the proposed work could be characterized as maintenance. He did not like the way the project had been handled, as its advocates had originally seen it as mostly maintenance and requested funding from the capital stabilization fund, then been overruled by the Board of Aldermen, who sent it back to the CPC. At this point he felt the CPC did not have much recourse, because the Museum badly needed the work and the CPC should therefore recommend funding it. In the future, however, he thought the CPC should be more adamant about drawing this line between preservation and maintenance, and CP funds will be more limited.

Cindy Stone and Nick Parnell agreed that the project process had not been ideal. Stone noted that the Museum had requested funding for this work from other City sources twice, but both times the Board of Aldermen had told them to request funding through the CPC.

Judy Jacobson agreed strongly about the flaws in the process. She asked whether any items in the current proposal budget were really maintenance.

Kantar noted that some work that would have been maintenance if it had been done 10 years ago had become preservation work now, as a result of the delay.

Wally Bernheimer characterized this moving line between maintenance and preservation as a "moral hazard." Ken Kimmell felt this work was best described as deferred maintenance.

Steve Fauteux felt the CP Fund should not pay for painting buildings. That is what the City is supposed to do.

Russ Feldman noted that a preservation/restoration project at the Museum 10 years ago had been conducted impeccably, but stopped short of some things that needed to be done at the time. That project had been funded by the Massachusetts Historical Commission. A historic resource requires continuing investment, making it difficult to define what maintenance really is. It was clear that if the proposed work was not done now, the building and collections would sustain significant damage. He did understand the Committee's disagreement with the proposal process. The Historical Society Board and Museum Trustees had always considered this a legitimate project for submission to the CPC, and hoped to tap general City capital funds for other projects, which clearly could not qualify for CP funds. He noted that having the Museum's building shine during its 200th anniversary year – 2009 – would help the Historical Society to raise the matching funds that the CPC and Board of Aldermen had required for the release of CP funds to the Durant-Kenrick project, as well as funds for the Museum's general capital campaign.

Nancy Grissom felt that at this point, this work was preservation and rehabilitation. It should be done well, then the CPC should see if it could insist that the building be properly maintained.

Nancy Grissom noted that the League of Women Voters had commented on the inclusion of aluminum downspouts and other non-historic materials in the proposal. She noted that the two local historic district commissions on which she served did not usually allow this, and she asked for comments.

Russ Feldman noted that these materials were to be used strictly to reduce the cost of the project. Every metal feature directly attached to the historic building would be lead-coated copper. Wally Bernheimer noted that he had been advised on another project to substitute zinc-coated copper for lead-coated copper; although the zinc option might be more expensive, it was fabricated locally and avoided the risk of lead exposure, which might be important at a site visited by lots of children, such as the Museum.

Dan Green asked whether products that look like wood but required less maintenance going forward would be acceptable. Nancy Grissom felt they would not be appropriate for the Museum's building. Russ Feldman noted that many products promoted for this purpose were problematic, and were not as low-maintenance as the manufacturers claimed.

Dan Green and Ken Kimmell expressed significant concern that the painting included in the project was maintenance, and therefore not eligible for CP funds.

Cindy Stone said she had consulted the nonprofit, statewide Community Preservation Coalition about both roofs and painting, including Board president Clarissa Rowe and staff member Kathy Roth, who confirmed that other communities have often used CP funds for both purposes.

Russ Feldman noted that, while painting alone might be considered maintenance, this project required replacing and repairing elements before the building could be painted, and painting would be required to sustain those replacements and repairs. It would not be practical or cost-effective to separate these activities into different projects.

Joyce Moss noted that the Committee was looking to increase cost-sharing with other sources of funding on future projects. She suggested that the CPC could recommend funding part of the total project cost, in the proportion as nonpainting to painting costs, without separating out individual line items. She was also disturbed at the thought of putting a new but ugly roof on a beautiful historic building, and asked what the original roof would have been in 1809.

Cindy Stone said that the original roof would probably have been wood shakes, but that the Secretary of the Interior's *Standards* did not require that material, which would be costly. In addition, the cost of future maintenance for wood shakes would be prohibitive, and probably would not be funded by the City.

Moss noted that she was not concerned about the initial installation costs, but about taking proper care of the building; she would support putting on a roof that is worthy of that building, but ask the City to cover the project's painting costs. She felt that would be a better project. Nancy Grissom noted that the cost of painting was a small proportion of the total project cost.

Nick Parnell said he would have loved to install a wood roof, and had discussed that option at length with the on-call architects who prepared the specifications. He had been persuaded against a wood roof because it cost 3 times as much as the asphalt shingle roof in the current proposal.

Cindy Stone felt the overwhelming argument against a wood roof was the cost, and skepticism about future funding, for maintenance.

Russ Feldman argued that a wood roof would be an interpretable historic resource, and make this a full-fledged restoration project, but would require additional structural changes in the building to vent the roof adequately. Those changes would reduce the usable space in the attic, which is now used for collections storage. As an architect, he had a responsibility to “know your owner,” and noted that the City of Newton did not even clean the building’s gutters without frequent reminders from Museum staff; he agreed with Cindy Stone’s skepticism that a wood roof would be maintained.

Joyce Moss asked what other roof materials might be used, other than regular asphalt shingles. Nick Parnell noted that the League of Women Voters had mentioned a “slateline shingle.” Joyce Moss noted that a project in Natick had used rubber tiles that look like slate. Nancy Grissom felt this product did not look as good as slate, and that slate was not really appropriate in any case, since the roof had never been slate. Parnell recommended a brown, dimensional shingle that looks more like a wood roof.

Zack Blake shared the concern of other CPC members that the CP Fund might simply be treated as general City capital funds. However, when he consulted his colleagues at the Dept. of Revenue, they felt the project was the kind of “extraordinary repairs” that were allowable under the Community Preservation Act, as extending the useful life of the asset; they had not seen any part of the project as “maintenance” and therefore ineligible for funding.

Joyce Moss did not want the Museum to be trapped in an endless disagreement between the CPC and the Board of Aldermen.

Nick Parnell noted that the Museum Board had worked hard to move this building up as a priority on the list of the City’s capital needs, and had largely succeeded. He said he would guarantee that the building would be taken care of in future; he acknowledged that competing interests in the past had led to its neglect. The Public Buildings Department simply did not have the resources to take care of 80 city-owned buildings, especially the historic wooden ones, which suffer the most from neglect, and deteriorate the fastest. The Department is simply not equipped to handle these buildings, and does not have the necessary trained staff. To prevent future neglect, he will set up a line item in his department’s future budgets for annual work on this building.

Wally Bernheimer suggesting making this a condition of a CPC recommendation to fund this project – that there be annual line item for adequate maintenance of the building, and that the CPC receive annual copies of the budget showing that funding has been appropriated.

Myra Tattenbaum on behalf of the League of Women Voters noted that their comments had raised many of the same concerns as the CPC’s discussion tonight. The League had talked about whether better insulation might reduce both the need for repainting and future energy costs.

Nancy Grissom raised the question of whether additional insulation might cause moisture problems, and whether the CPC should ask the proposal to be revised and resubmitted with insulation, if it was first determined that this would not hurt the paint and wood.

Cindy Stone noted that another project, to rehouse the Museum archives, included installing insulation in the currently uninsulated 17th-century wing of the building.

Russ Feldman noted that there was significant disagreement among preservation experts about insulating older wooden buildings, about how to balance potential energy savings against moisture problems. He characterized this debate as the “bleeding edge of preservation practice.”

VOTE Dan Green moved, and Nancy Grissom seconded, recommending full funding as requested: \$138,244, including \$2,000 for legal costs; on the condition that

 funding for adequate annual maintenance of this building be included in the Public Buildings Department budget, and submitted to the CPC.

 The motion was approved by a vote of 8-1.

Steve Fauteux opposed the motion because the project included painting, which he felt should not be paid for with CP funds.

Nancy Grissom asked Alice Ingerson to make clear in the recommendation to the Board that the City could not request CP funding of future work, even on its historic wooden buildings, without demonstrating that adequate maintenance had been funded.

Alice Ingerson summarized her current staff recommendation, to use this project as a opportunity to improve overall capital planning and maintenance of City-owned resources, by having a Community Assets Taskforce: (1) propose a clearer policy on how to draw the line between maintenance and preservation, and (2) identify and prioritize City-owned resources that would most clearly qualify for CP funding as historic resources, for preservation, restoration, or rehabilitation.

Ingerson noted that her previous, summer 2008 memo about this proposal, had suggested requiring all CP-funded preservation projects to produce a realistic “preservation maintenance plan,” the implementation of which could then be made a prerequisite for any further CP funding. After discussing this option with the Law Dept., her current recommendation was for a more systematic, cross-project approach. Law Dept. staff had strongly supported this approach when discussing their analysis of this project’s eligibility for funding.

However, both of her recommendations recognized that the CPC would probably want to recommend initial preservation, restoration, or rehabilitation funding for historic resources that had suffered from past deferred maintenance. Either project-by-project or more systematically, the CPC’s primary leverage for enforcing adequate maintenance, after an initial investment of CP funds, would be to decline to recommend additional future funding for resources that had not been adequately maintained with non-CP funds.

Joyce Moss noted that in previous presentations to the CPC, architect Larry Bauer had argued that paint is a preservation material. She offered to talk with him about the Taskforce idea, or about working with a subcommittee of the CPC to develop clearer policies and priorities. Nancy Grissom expressed her willingness to help with this.

The committee agreed that Ingerson should write up a recommendation for a broader, more proactive policy approach to historic resources, as context for its immediate recommendation to fund this project.

8:50

COMMITTEE DISCUSSION:
FUTURE WORKING SESSIONS SCHEDULE

Alice Ingerson summarized her recommendations to request specific additional information about remaining proposals, with submission deadlines that would lead to the following schedule:

- working session for Warren House (historic resources) - 18 March 2009
- working session for 192 Lexington Street (community housing) – 15 April 2009
- working session for Charles River Lower Falls Bridge Conversion (recreation) – 20 May 2009

The Committee unanimously endorsed the proposed information requests and tentative schedule, and asked Alice Ingerson to contact all proposal sponsors to schedule site visits.

Wally Bernheimer expressed strong skepticism about the Warren House proposal. Judy Jacobson offered to assist in explaining the project’s history and future funding options.

Ken Kimmell moved and Steve Fauteux seconded adjournment, to which the Committee agreed unanimously.

Chair Joyce Moss adjourned the meeting at 9 pm.