

The meeting was held on Wednesday 17 June 2009 in Newton City Hall, Cafeteria.

Attending members of the Community Preservation Committee (CPC): Joyce Moss, Nancy Grissom, Tom Turner, Wally Bernheimer, Zack Blake, Stephen Fauteux, Judy Jacobson, Dan Green.

Program manager Alice Ingerson served as recorder.

CPC Chair Joyce Moss called the meeting to order at 7:10 pm, and asked to take up “other business” first.

7:10

OTHER BUSINESS

On behalf of Alderman Cheryl Lappin as chair of the Aldermanic Committee on Community Preservation, CPC Chair Joyce Moss asked the CPC and Alice Ingerson as program manager to share with that Board committee all memos received from the Newton Law Department.

Alice Ingerson noted that the CPC’s administrative budget usually covered Law Dept. time for writing memos or answering questions about the CPA from any source, as well as from the CPC or its staff, and that the Law Dept.’s general policy was to share such memos only with the person or body that requested them. The CPC suggested that the Aldermen ask the Law Dept. to notify the CPC chair of any memos written in response to requests from others, when the time for this work will be charged to the CPC.

Judy Jacobson noted that Law Dept. memos on specific proposals were usually passed along with CPC recommendations to fund those proposals, rather than ahead of CPC votes or recommendations. The sense of the CPC was that it was best to continue this policy, so that all materials relevant to a specific proposal would stay together in a single packet..

Alice Ingerson also noted that, before the CPC sends its next round of funding recommendations to the Board, it might be helpful to ask the Law Dept. to clarify in writing its views on the enforceability of the conditions or requirements attached those recommendations. Judy Jacobson believed that it was important for the CPC to keep including specific conditions in its recommendations.

Ingerson also reported that, in response to her request for an informal opinion, the Massachusetts Dept. of Revenue had expressed the view that CPA funds could not be used to acquire options to purchase, or rights of first refusal, in real estate, in anticipation of eventual acquisition of full rights or a restriction for CPA-eligible purposes. Judy Jacobson cautioned that the phrasing of questions could influence the answer received from the Dept. of Revenue. Dan Green suggested the same caution applied to all requests for legal advice, from any source.

7:20

COMMITTEE BUSINESS

Nancy Grissom moved and Dan Green seconded approval of 20 May 2009 minutes.

VOTE Minutes were approved by a vote of
 4 yeas and 4 abstaining (abstaining members had not attended the May meeting).

7:30

UPDATES on CURRENT PROJECTS & PROPOSALS

Alice Ingerson reviewed the request from the sponsors of the Charles River Bridge and Approaches proposal to postpone further discussion of this proposal until after the Dept. of Conservation and Recreation had finalized the project design and budget, which should happen this summer; and summarized the opinion received from the City of Newton Law Dept. that an alternative path, running through existing DCR park and golf course lands, was not eligible for CPA funding because it would rehabilitate recreation land not created or acquired with CPA funds. Ingerson also noted, however, that the “one-pager” summary submitted for this alternative project had been extremely well-done, and could serve as a model for future submissions.

Ingerson asked which members planned to attend the upcoming opening of the Habitat for Humanity homes, built as part of the Dolan Pond/Forte Property project that had received significant CP funds. Moss, Grissom, and Fauteux said they could attend.

Ingerson also noted that the Crystal Lake Taskforce was nearing submission of its final report to the Mayor. There is no immediate plan to submit further funding proposals to the CPC, but the Taskforce has taken CPA funding eligibility into consideration in formulating its two final options: either to rehabilitate the existing bathhouse (which stands on recreation land not created or acquired with CPA funds), or to build a new bathhouse at least partly on land acquired with CPA funds.

192 LEXINGTON STREET

Alice Ingerson offered to provide members with CDs containing the most recent updated information from SEB, the project developer (approx. 350 pages). Nancy Grissom, Joyce Moss, Zack Blake and Judy Jacobson asked to receive this information.

Members who had attended the late May meeting of the Aldermanic Committee on Community Preservation about this project summarized that meeting.

Joyce Moss noted that some aldermen and members of the public had opposed this proposal on the grounds that it would have a negative impact on neighborhood character. She noted that the neighborhood has mostly small houses and that most of the new units would not be visible from Lexington Street. She felt the project would enhance the neighborhood and was important to fight for.

In response to concerns raised about the development's environmental impacts, Moss noted that the developer's site engineers had vetted the site thoroughly. They had changed the design in response to findings that underlying soils were fill, and not structurally stable enough for conventional basements (construction will use piers for support). She felt that the developer was highly reputable and generally builds quality projects.

Judy Jacobson noted that Robert Waddick of the City of Newton Law Dept. had reviewed the deeds, P&S, and previous owner's will. He had explained to Board members that the current occupant, Mr. John Avila, was not the legal owner. The owner's will required that the property be sold, and appointed a trustee to ensure that Mr. Avila received his share of the proceeds.

Jacobson had also spoken with Alderman Sangiolo about her objection that the project would reduce open space. Jacobson noted that the only open space affected was now a private back yard. Nancy Grissom noted that the project would actually improve the path leading over that private property to the Burr Elementary School playground, and make that path public by deeding it to the City.

Alderman Sangiolo also thought households purchasing these units would have a negative impact on the local schools, because they were likely to have more than 2 children each. Grissom noted that Burr was a popular, desirable school, and she did not know if it was overcrowded. She recalled the developer's estimate that, based on experience from their previous, similar developments, this 10-unit development might house 5 children of elementary age at any one time.

Judy Jacobson and Zack Blake described comments by one or two members of the public at the meeting, who did not want to see people of low or moderate incomes living in their neighborhood, and feared that this project would depress the value of their own, abutting properties. Jacobson noted that Alderman Parker had also expressed his overall opposition to housing for households earning near 100% of area median income, on the grounds that public funds should only assist those at the lowest income levels.

Moss cited support in Newton's *Comprehensive Plan* for getting beyond the official state inventory, which only counts housing affordable to households earning up to 80% of the area median income.

Moss also noted that reducing the number of units developed would increase the required public subsidy substantially. Jacobson felt that building 8 units rather than 10 would not be an efficient use of public funds.

8:10

ELECTION of FISCAL 2010 COMMITTEE OFFICERS
& Review of Members' Terms

Nancy Grissom agreed to chair, and Wally Bernheimer agreed to serve as vice chair, starting next fall, on the understanding that Joyce Moss would continue as chair until the Board of Aldermen has completed its consideration of the housing proposal for 192 Lexington Street.

VOTE Dan Green moved the election of the new slate; Judy Jacobson seconded.
The new officers for fiscal 2010 were unanimously approved.

8:20

FISCAL 2010-12 COMMUNITY PRESERVATION PRIORITIES

The Committee reviewed the draft document of funding priorities prepared by Alice Ingerson, based on its public hearings and previous discussions. They agreed that it could be shortened by removing the biographies of current members and the list of cumulative past achievements, both of which appear in several other documents, including each annual report; and the list of potential future priorities..

Wally Bernheimer suggested some improvements to the pie charts comparing most recent year, 3-year rolling average, and cumulative allocation of funds among the fundable resources, and suggested adding a sentence about why a relatively even balance among the resources remains a priority, because Newton has needs in all 4 areas.

Judy Jacobson suggested other editorial changes to clarify that the Committee remains open to proposals that combine historic preservation and affordable housing in creative ways.

Several committee members suggested reorganization, including numbering priorities within rather than across the fundable resources.

The sense of the Committee was to accept Wally Bernheimer's suggestion to add a slightly longer discussion of how the courts' current interpretation of the Community Preservation Act affects Newton's ability to use CP funds to meet its needs for active recreation.

Nancy Grissom moved, and Dan Green seconded, approval of the document, as amended.
The amended document was approved unanimously.

Chair Joyce Moss adjourned the meeting at 8:40 pm.