

The hearing was held on Wednesday 18 November 2009 in Newton City Hall, Cafeteria.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Zack Blake, Leslie Burg, Thomas Turner, Walter Bernheimer and Joel Feinberg (arr. 6:45 pm), Michael Clarke (arr. 7:30 pm).

Program manager Alice Ingerson served as recorder.

Current Committee Chair Nancy Grissom opened the hearing at 6:40 pm.

INTRODUCTION

The CPC members present introduced themselves by listing their appointing authorities and the fundable resources they represent: Chair Nancy Grissom, Mayoral Appointee, Historic Resources; Vice Chair Walter Bernheimer, Parks and Recreation Commission appointee; Zack Blake, Newton Historical Commission appointee; Leslie Burg, Planning and Development Board appointee; Michael Clarke, Mayoral Appointee, Open Space; Joel Feinberg, Mayoral Appointee, Community Housing; Thomas Turner, Newton Housing Authority appointee.

Alice Ingerson reviewed the format of the hearing briefly, and reminded members of the public to sign up to speak about any proposals of interest to them.

Ingerson then gave a short PowerPoint presentation summarizing allowable uses of funds and process requirements under the statewide Community Preservation Act, and available funds and the funding process for Newton's local CPA program.

ANGINO FARM Barn Rehabilitation

Proposal summary: Convert interior of the farm's late 19th-century barn for use as fully accessible space to support the farm's agricultural and education programs. *Location:* 303 Nahanton St., Newton Centre, MA 02459. *Sponsor/Manager:* James Harper, Chair, Newton Farm Commission. *CP funds requested:* \$568,000. *Total project cost:* \$798,000. *Other funding:* \$230,000 raised privately had been spent to stabilize and rehabilitate the barn's exterior. (Since inception, the farm has raised a total of \$430,000 privately.)

Peter Leuwenberg, former chair of the Newton Farm Commission, began the presentation. He noted that prior to public acquisition of the farm, many residents who remembered the site as an active farm had been sad to see it lie fallow for so long. The farm had been rescued with CPA funds and is now a very vibrant place, and one of Newton's great CPA success stories. He noted that the current request for \$568,000 had been leveraged by \$230,000 of private funds raised to stabilize and rehabilitate the barn's basic structure and exterior. The request was being submitted under three CPA categories: historic resources, open space, and recreation land.

The Farm Commission's mandate was to make the farm revenue-neutral, with no continuing reliance on city funds. The Commission worked with a wonderful nonprofit, Newton Community Farm, Inc. (NCF), which had been formed by many people involved in the farm acquisition proposal to bid on the contract to operate the farm under a license from the city. Having won that contract, NCF has made the farm a great success. Greg Maslowe as the farmer has been the inspiration and mover of the entire operation. The farm is financially stable thanks to the community-supported agriculture (CSA) model. It is supported by 122 families who buy annual shares of the farm's production in advance, and also sells produce at farmers' markets, donates to the food pantry, and distributes its food in many other ways. The farm provides recreational, educational, and community programs for all, and draws supporters and participants from throughout the city. This farm, which has only 2.5 acres, is admired by many other larger farms and communities throughout Massachusetts. But it needs new facilities to accommodate the high level of community interest and participation, and to grow its programs further.

Peter Barrer, President of Newton Community Farm, continued the presentation. The farm's programs are limited by its current facilities. It currently has no public bathrooms, only a portable toilet, and no indoor space for classes in poor summer weather or in winter. To date, all projects other than de-leading of the farmhouse, which used CPA funds, have been supported entirely with private funds, plus a recent accessibility grant from the Mayor's Committee for People with Disabilities.

The project components as detailed in the proposal include handicapped access, year-round programming space, a farm library, a demonstration kitchen, and classroom space. The proposed project will preserve the view of the barn across the field, the barn's interior framing of barn, and the main door opening. It will improve the year-round recreational usability of the farm and enhance the public's enjoyment of the farm as open space.

Barrer then read a letter received that morning from a farm supporter, who expressed gratitude for the farm. The writer lived at the opposite end of Newton, bought seedlings from the farm this spring, and bought a share of the farm's crop from its new dwarf fruit-tree orchard. The writer was not a regular volunteer, but was thankful for the farm, for the respite it provides, and for NCF's stewardship.

AnnaMaria Abernathy shared the comments of the League of Women Voters on the proposal: Angino Farm is a terrific example of a public-private partnership and has succeeded beyond anyone's expectations. It enjoys citywide support. The League was impressed by the map attached to the proposal of where the farm's supporters live: in all neighborhoods of Newton. The proposal was thorough and complete. The League's questions were: How pressing is the need for this interior space? Will the educational programs run there be year-round? Would the farm's future programs include field trips to more rural farms? Will the expanded farm programs be financially sustainable? How will those programs relate to the curriculum and activities of the Newton public schools? If these programs create a need for additional parking, how will that need be met?

Greg Maslowe, the farmer employed by NCF at Angino Farm, spoke about the proposal from his perspective of having lived and worked on the farm over the last 4 years. He has had lots of interaction with the public, which has been strongly supportive. They have lots of volunteers and customers, but others just stop by to talk about how they remember the farm, and how glad they are that it's being preserved and farmed again.

Richard Dinjian of West Newton, a member of the NCF Board of Directors, offered his comments. He wanted to focus attention on why these improvements are needed. The barn is now beautiful, thanks to private fundraising, but NCF cannot really open and use it for the public because 1/3 of the floor is unsafe and the other 2/3 is uneven. A grant of CP funds would let everyone in Newton use the interior of this beautiful historic structure. To date, its historic beauty has been preserved both inside and out. A public, accessible bathroom is an urgent need, for both volunteers and visitors. The current portable toilet spoils the historic landscape.

Members of the CPC then asked a few questions. Wally Bernheimer noted that the project budget submitted did not show the \$230,000 in private funds, but does show a total project cost of \$800,000 total for the barn. Peter Barrer explained that the \$800,000 total counted the private \$230,000 already spent on the barn. Bernheimer replied that he would favor requiring additional private fundraising.

CITY ARCHIVES - Combined

Proposal summary: Preserve and digitize city directories for 1868-1934 and at-risk manuscript and archival sources from the 19th and early 20th centuries, mostly held at the Newton Free Library but with backup copies held at City Hall or at the Jackson Homestead/Newton History Museum. *Location:* Newton Free Library, 330 Homer Street, Newton, MA 02459. *Sponsor/Manager:* Ryan Hanson, Asst. Director, Newton Free Library. *CP funds requested:* \$36,545. *Total project cost:* \$45,221. *Other funding:* \$8,676.25 in combined Library Services & Technology grant from MA Board of Library Commissioners and regular Library budget funds.

Library staff members Ryan Hanson (Assistant Director), Nancy Johnson (Director of Reference), and Sarah Feldman (Assistant Director of Reference) were present. Hanson gave the presentation.

Hanson noted that this proposal represents a partnership among the City Clerk's Office, the Library, and Historic Newton. Historic documents are among Newton's prized possessions. This project would preserve, restore and digitize manuscripts, photos, maps, and city directories created from the late 1800s into the 1930s.

The directories are heavily used because they document the city's residents and businesses both by name and by address. They are extremely fragile and rapidly deteriorating. Conservation experts have recommended digitizing and microfilming them to preserve their content.

The manuscript of Samuel Francis Smith's 1880 history of Newton includes marginal notes that were not in the published book. Smith is best known for writing the words of "My Country 'Tis of Thee."

The Eliot Church collection from 1845-87 documents the church's finances, membership, sermon topics, clubs, etc., providing important insight into the community at that time.

The plan of the Proctor Estate in Newton Corner predates the first detailed atlas of the city published in 1874. The 1878 map of Newton Centre provides insight into changing land uses. Both maps are fragile and deteriorating; having been stored folded or rolled, and need repair and restoration.

The photo collections included in the proposal relate to the Allen House, the Newell Family and homestead, Newton Corner and Nonantum Square. Allen was significant as an educator in Newton; he worked closely with Horace Mann, was an active abolitionist, welcomed students of all races, and was a pioneer in nature study and physical education. The Newell family came from western Massachusetts to Newton. The photos of Nonantum Square and Newton Corner were taken by an amateur photographer who was also a dentist, and document the period when the rail line along Washington Street was first depressed below street grade.

The project does address citywide needs. Newton's *Comprehensive Plan* calls for planning that uses history, and these types of documents could support that. These are unique, irreplaceable primary sources. Expert consultants have evaluated these materials' significance and recommended that they be deacidified, torn pages be restored, and cleaned, as well as digitizing the documents to reduce the risk of further damage through future use.

The Library strategic plan calls for preserving the Newton collection as part of its mission. These documents continue archival projects previously funded from other sources at the Library, in the City Clerk's office, and at the Museum. Hanson showed the Committee two new web pages that provide access to records held by the Clerk's office that were preserved and digitized through previous CP funds: a "genealogical research" page providing access to vital records of births and deaths, and "historic maps of Newton," including atlases documenting land use and ownership changes at the parcel level.

Records preserved and digitized through this project will be added to the Digital Commonwealth project launched 2 years ago, which gives people throughout the state access to indexed, searchable archives. The Digital Commonwealth would provide this access for Newton records without requiring Newton to cover the full cost of website management. The project is expected to be complete in about 1 year after it receives funding.

The \$36,545 in requested CP funds would be leveraged by \$8,676 of funds from other sources, including an application for a Library Services and Technology Act grant and contributed Library staff time covered by the General Fund budget.

AnnaMaria Abernathy shared the comments of the League of Women Voters on the proposal: The League commends this partnership among city departments. The proposal was excellent and concise, and does support goals from the *Comprehensive Plan* and goals and priorities identified by the Community Preservation Committee. The League is glad to see that the project will provide digital, online access, and will tap additional funding sources. The League would like to understand better: the current condition and uses of these documents; the broader context of the project – to understand the sum total of all Newton's historic documents that need preservation, why these particular ones were selected for this proposal, and when the CPC should expect to see proposals for the rest.

Members of the CPC, including Zack Blake, Nancy Grissom, Wally Bernheimer, and Leslie Burg had the same questions as the League. They would like to hear more about how the sponsors prioritized these particular documents, from the broader universe of Newton's archival preservation needs.

HISTORIC PRESERVATION Design Guidelines

Proposal summary: Provide guidelines with Newton examples for historic preservation, restoration, and rehabilitation; mostly advisory, but also to help historical commissions in exercising regulatory authority. *Location:* citywide. *Sponsor/Manager:* Newton Historical Commission & Brian Lever, Planning Dept. *CP funds requested:* \$55,000. *Total project cost:* \$55,000.

City of Newton Senior Preservation Planner Brian Lever, who staffs the Newton Historical Commission, presented this proposal on the Commission's behalf. He used a slide show to illustrate the range of Newton's existing designated historic resources, including landmarks, and maps and descriptions of the city's four local historic districts.

The proposed project would provide guidelines, with Newton-specific examples, for historic preservation, restoration, and rehabilitation. Lever and the historical commissions receive many phone calls from homeowners, asking for advice on what is historically appropriate for their homes. The proposed guidelines would help homeowners find answers to those questions.

The new guidelines would also help the Newton's citywide and local historical commissions exercise their regulatory authority. Lever displayed current guidelines used by these commissions, which are about 1 page long. There is nothing wrong with them, but they are a little brief. The goal of the project is to provide some standards that all commissions would use, organized by period and style.

The project would provide 1,000 printed copies, enough to send a copy to anyone whose property is already affected by the landmark ordinance or a local historic district, and would also provide an online version that could be updated and revised periodically.

Lever also circulated among the CPC copies of similar guidelines from other communities, including Portland, Maine, and Providence, Rhode Island. Most of these booklets have tools to help identify the style/period of the house, then recommendations for features, site layout, massing and location of additions, etc. Architectural glossary helps communication between reviewers and homeowners.

Priscilla Leith shared the comments of the League of Women Voters on the proposal, after explaining the League's process. About 20 members of the League read all proposals to the CPC, discuss them, and contribute to the reviews submitted. This proposal has impressive letters of support. The League would like to see past historical commission decisions posted online, so that new applicants could refer to those as guides for their own applications. The League's questions were: Could Newton simply adapt guidelines from other communities, from past Newton documents like the village plans, or with volunteers, all of which might lower the cost? Why are so many printed copies needed: why not just leave the report online and let people without home computers print it at the library? The League was concerned that the proposed process would have the guidelines created only by professionals, and wondered if a mechanism could be provided for more public input. How would the guidelines be enforced, since current guidelines for preserving Newton's historic landscapes are ignored? Finally, would the guidelines allow for tradeoffs between historic preservation and energy efficiency or operating costs?

Donald Lang, the current chair of the Newton Historical Commission, commented that these guidelines would be a great investment in preservation, and would allow homeowners to better appreciate the houses that they live in. He found that people often cared more about historic character as a result of understanding their houses better. The proposed guidelines would also demystify the decisionmaking process of the historical commissions. One reason a document specific to Newton would be worthwhile is because Newton has a small, well-documented collection of post World War II housing, which makes it different from Cambridge or some other communities that already have their own guidelines.

David Morton spoke in support of the proposal as a member of the Newton Historical Commission and two local historic district commissions. In the absence of knowledge about the basis for these commissions' decisions, people sometimes feel those decisions are capricious. The proposed guidelines will reduce that sense of uncertainty, and be a definite improvement over the guidelines currently available to the commissions.

Members of the CPC had several questions. Nancy Grissom felt that this sort of project needed to be carried out by someone knowledgeable, rather than by volunteers. Leslie Burg asked for a more detailed

breakdown of how the requested \$55,000 would be used. Lever explained that the bulk of the cost would be for a team of consultants to go out and photograph or draw examples, and come up with the detailed recommendations. Walter Bernheimer seconded Burg's request, and asked that the sponsor provide a more detailed budget, along with sample consultant proposals, "scope of work" descriptions or requests for proposals from previous, similar projects.

VETERAN HOUSE (2148-50 Commonwealth Avenue - housing)

Proposal summary: Create deed-restricted, permanently affordable rental housing for two families in an existing 2-family house in Auburndale. *Location:* 2148-50 Commonwealth Avenue, Auburndale, MA 02466. *Sponsor/ Manager:* Josephine McNeill, CAN-DO. *CP funds requested:* \$360,000. *Total project cost:* \$950,000. *Other funding:* \$300,000 CDBG, \$50,000 Federal Home Loan Bank, \$35,000 CCC Legacy Fund, \$40,000 Charlesbank Homes, \$175,000 Village Bank.

CAN-DO executive director Josephine McNeill presented the project without a slide show. The project is very similar to other projects that her organization has brought to the CPC in the past, including those on Falmouth, Jackson, and Cambria Roads.

The house CAN-DO is purchasing in Auburndale is a 2-family home. The targeted population to be served is homeless veterans with families. There is a definite need for housing for this group. CAN-DO was working with the Boston Veterans Administration Medical Center's Office for Homeless Veterans to ensure that veterans housed by the project would receive supportive services. The federal Dept. of Housing and Urban Development and Veterans Affairs have recognized this housing need, and now provide a rental subsidy/voucher program for this population, along with supportive services and case management. The VA decides who receives the vouchers, but the local housing authority administers the program. The vouchers are mobile. Newton's Housing Authority does not participate in this program, but the housing authority of Boston, Cambridge, and several other communities do.

The project is consistent with the CPC's recently formulated priorities for affordable housing in village centers, near public transit. Veterans living in this house can easily use public transit to get to supportive services in Boston, and avoid the cost of car ownership.

CAN-DO is requesting \$360,000 out of a total development budget of \$950,000. CP funds will be used to pay down the mortgage taken out to purchase the building, for construction costs, developer fee, and to support soft costs (the architect's fees, etc.)

CAN-DO has talked about the project throughout the community and will submit letters of support from the Newton Housing Partnership, U-CHAN (United Citizens for Housing Affordability in Newton), in addition to those included with the original proposal. McNeill also submitted a petition of support with 144 signatures, including members of numerous churches throughout the city.

Finally, McNeill asked that the working session for this proposal be scheduled as early as possible. CAN-DO would close on the home soon, and after de-leading, she would like to see it used again for housing as soon as possible

Priscilla Leith shared the comments of the League of Women Voters on the proposal: The League commends the sponsors for leveraging CP funds with funds from other sources, and for serving an underserved population. This would be to their knowledge the first housing serving this target population in the City of Newton. The League also likes the support services aspect of the project. They believe the construction and renovation work outlined in the proposal is necessary, but would encourage investment in more insulation. They recognize that the steep site makes wheelchair access impossibly expensive, but also that the site serves the needs of a low-income family, by making car ownership unnecessary because so many services are within walking distance. The League's questions were requests for additional data as context for the proposal on: the demand for veteran housing, and how much of Newton's current deed-restricted housing is wheelchair accessible.

Michael Lepie spoke against the project. He characterized himself as a citizen taxpayer and has been following CAN-DO for over 5 years. He is opposed to any more money going to this corporation until it develops a realistic business plan. CAN-DO recently received \$1 million for needs due to their poor

business practices. The proposal is not complete: 20 pages of CAN-DO's 2008 financial statement were not included. CAN-DO's 2007 financial statements and information showed that the corporation was not financially viable. He hoped that the CPC would want to know that the organization is financially viable before any money is given to it. The difference between what CAN-DO paid for this building and the total funding sought for the project provides CAN-DO with a large profit. There appears to be a conflict of interest between this developer and some CPC members. He feels that CAN-DO is running a Ponzi scheme. This house is basically sitting on top of a mountain, and he does not see how handicapped veterans could live there. This project is very expensive at \$500,000 per unit, compared to the per-unit cost of \$300,000 for the Newton Housing Authority purchase of apartments on Wyman Street.

Phil Herr spoke on behalf of the Newton Housing Partnership in support of the project. The Partnership feels that this is a rare opportunity to serve veterans, for the first time since Newton built veterans' housing in Oak Hill Park, just after World War II. This project is tiny but important. The location really works. The structure needs some work including deleading, but that is to be expected. The city should seize this opportunity.

Michael Lepie stated that there was a conflict of interest between the CPC and the developer, and between the previous speaker and the developer, because both sit on the Newton Housing Partnership. He also presented a letter containing his comments and asked that it be distributed to all members of the CPC, including those who had not attended tonight's hearing.

Several members of the CPC asked questions about the proposal. Joel Feinberg asked whether the other sources of funds listed in the proposal were already committed. McNeill responded that Community Development Block Grant funds are committed, but CAN-DO is waiting to hear from the Federal Home Loan Bank, Charlesbank Homes, and the Legacy Fund.

Chair Nancy Grissom then declared the public hearing adjourned, and the Committee convened a regular public meeting to deal with Committee business, as noted on the agenda.

COMMITTEE BUSINESS

In the minutes from the 21 October 2009 meeting of the CPC, Michael Clarke asked for a correction showing that he had consulted solely with the City Solicitor about his possible conflict of interest for the Charles River Lower Falls Bridge proposal sponsored by the Bicycle Pedestrian Taskforce, of which he is a member. Ingerson noted that the State Ethics Commission had approved the City Solicitor's finding that revealing this information resolved any potential conflict of interest.

VOTE Leslie Burg moved approval of the minutes with the noted correction.
Zack Blake seconded the motion.

The minutes were approved by a vote of 6 in favor and 1 abstention, by Walter Bernheimer on the grounds that he had not attended that meeting.

The Committee then discussed scheduling of working sessions for the proposals currently before them. Grissom then noted that the Committee's 16 December 2009 agenda already included about 1 hour or a bit more of public hearing for the City Hall Historic Art and Historic Newton proposals that had not been presented at tonight's public hearing, leaving limited time for a working session at that December meeting.

Ingerson asked when the Committee wished to schedule any continued working session for the fiscal 2009 Charles River Lower Falls Bridge proposal. The Committee asked Ingerson to notify the sponsors of that proposal that they could be scheduled for a working session on 20 January 2010, if they had submitted the information previously requested by the Committee by the 8 January 2010 submission deadline for that meeting.

Bernheimer felt that the preservation design guidelines proposal was not ready for a working session, but that the City Archives proposal was pretty simple.

Feinberg wondered how Newton Community Farm was going to cover the increased operating costs associated with the renovated barn, and recommended asking them to submit an operating budget for the

barn. Bernheimer suggested that the CPC might also require NCF to raise additional private funds for maintenance. Burg felt that NCF had already contributed significant private funding to the farm.

Nancy Grissom suggested asking CAN-DO for all remaining pages from their 2008 financial statement. Zack Blake suggested asking for a written response to the questions asked by League of Women Voters. Joel Feinberg suggested asking also for a more detailed description of the Veterans Administration housing vouchers program cited in the proposal.

The sense of the Committee was that working sessions should be scheduled in the following order for the proposals presented at tonight's public hearing: Veteran House for 16 December 2009; Angino Farm, City Archives, and Charles Lower Falls Bridge for 20 January 2009; with remaining proposals scheduled at later meetings. The Committee agreed to review and revise that schedule as needed at its December meeting.

Alice Ingerson then reviewed for new members upcoming steps in the proposal review process:

As always, the City of Newton Law Dept. had been asked to provide two responses to each new or revised proposal: (1) confirmation of or constraints on eligibility for funding under the CPA, and (2) amount they would ask to have added to the request to cover the costs of Law Dept. work should the proposal be funded. Ingerson had asked that these written responses be submitted by 4 December 2009, so they would be available to the Committee for their 16 December 2009 meeting.

Ingerson then asked for feedback from the Committee about the treatment of "one-pagers" and other information received about potential future proposals, which was provided to her as CP staff.

She explained that she was currently encouraging sponsors who seemed likely or able to submit only incomplete or vague proposals to submit "one-pagers" instead. In one case, she had submitted for Law Dept. review a one-pager for a possible proposal that might be considered ineligible for funding under the recent court ruling about the use of CPA funds for recreation land. She had been concerned about the appearance of spending CPC administrative funds, through the time of its paid staff, in assisting or advising on a full proposal that might later be ruled ineligible for funding. The Law Dept. provided an opinion based on the one-pager that this project would indeed not be eligible for funding, and no full proposal was submitted. In this case, Ingerson also did not submit the one-pager to the CPC.

Ingerson also noted that to date, Newton's CPC had declined to discuss one-pagers at its meetings. She understood that some other CPA communities, such as Needham, actually required the submission of short pre-proposals, and then chose from them the projects for which they would invite the submission of full proposals, much as private foundations sometimes required submission of a letter of inquiry, and submission of full proposals only by invitation.

Ingerson asked the Committee whether they wished to change any of the procedures or policies she had been using to date.

Walter Bernheimer felt that the list of future possible proposals that Ingerson had provided to the Committee, along with the actually submitted one-pagers and full proposals, was unnecessary and confusing. Leslie Burg had not understood the purpose of that list, and in retrospect felt that her careful reading of it had probably been a waste of time. Ingerson acknowledged that the ideas on that list were very uneven; some might never be submitted as full proposals, some almost certainly would be. Burg asked whether Ingerson could separate the "real" one-pagers from others. Ingerson was not comfortable making that distinction as staff.

Bernheimer suggested keeping the current policy of not discussing submitted one-pagers. He would not want the Committee to indicate interest, support or opposition for a project based on a paragraph or two.

Nancy Grissom asked whether the Law Dept. should review all one-pagers for eligibility. Ingerson noted that this time would have to be charged to the CPC's administrative budget, and she was not sure that all one-pagers provided enough information for the Law Dept. to provide an opinion on this. She felt this early review was worthwhile only for projects where eligibility was most questionable.

The sense of the Committee was that the current uses of one-pagers were appropriate, and current policies and procedures should be continued.

COMMUNITY PRESERVATION COMMITTEE
Record of Public Hearing 18 November 2009

Newton, Massachusetts
p. 8 of 8

Walter Bernheimer asked about the currently proposed amendment to the CPA, revising allowable uses of funds for recreation land and changing the level of state matching funds, had recently been reported out of committee in the legislature. In response to Bernheimer's question, Burg and Feinberg noted that the legislation would not have to be refiled if the legislature had not voted on it by the end of January 2010, because the same legislature and session would continue until adjournment for the next state legislative election.

There was no other Committee business.

Chair Nancy Grissom adjourned the public meeting at 8:45 pm