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Community Preservation Committee

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TO: Honorable Board of Aldermen
FROM: Community Preservation Committee
DATE: April 20, 2006
RE: **CPC Recommendation for Funding**

PROJECT TITLE: Development of the Cheesecake Brook Greenway
CPA PROJECT ID: CPA-FY06-12
CPA CATEGORY: Recreation/Open Space
RECOMMENDED CPA FUNDING: \$25,100

PROJECT DESCRIPTION: The applicants, Friends of Albemarle, The Playground Project at Albemarle and Department of Public Works request CPA funding of \$24,000 for project costs and \$1,100 for legal costs in order to implement a conceptual design for a new “Cheesecake Brook Greenway.” This conceptual design would focus on the portion of the brook from Watertown Street, where the current CDBG funded project ends, north through Albemarle Park to the Charles River (almost a mile long corridor). The application states that this conceptual design study is likely to lead to a \$500,000 project that would be funded with non-CPA funds. The applicants have committed to seek City, state and federal funds for the project’s capital phase.

This request is an outgrowth of an original request of \$60,000 submitted in October 2005 for a planning/design study for the central corridor of Albemarle Park that included the pedestrian bridge over the brook in its scope of work. However, due to clarification of department custody, the bridge element was removed from the Albemarle Park proposal and DPW, in conjunction with the Friends of Albemarle, developed a second proposal that includes land along Cheesecake Brook (land in custody of DPW).

Cheesecake Brook is approximately 15 feet wide and runs through a grassy swale of about 60 feet wide. The applicant has provided photos of the brook that show pedestrians using the grassy area rather than walking in the adjacent roadway. The scope of work for this proposed conceptual design plan includes the following design elements:

- Creation of bike paths along the brook (also for walking and jogging)
- Improving linkages and access to abutting open spaces (e.g., Albemarle Park) and recreation facilities (e.g., DCR’s Upper Charles River Corridor linear park/path)
- Environmental remediation for enhanced water quality
- Redesign of the footbridge to comply with accessibility codes
- New plantings, lighting and outdoor furnishings

FINDINGS

Community Preservation Act (MGL c.44B)

Open Space

The Community Preservation Act, MGL c.44B §2 defines open space, as including, “but not... limited to, ...other wetlands, ocean, river, stream . . . land for wildlife . . .” The brook complies with this definition of open space because it is a wetland that is habitat to various wildlife including the American eel (which live in the brook and travel through the Charles River and into the ocean to spawn) and is a potential site for other species, including fish, turtles and amphibians. The brook also provides water for all wildlife. The brushy areas within the corridor provide food, cover and nesting sites for a variety of small mammals and birds.

Furthermore, §5(b)(2) allows CPA funds to be used for the **preservation** of open space. One purpose of the conceptual design study will be to identify potential environmental remediation and improvements to enhance the water quality of the brook, thereby also protecting the wildlife habitat provided by the brook.

Recreation

MGL c.44B §2 defines recreational use as “active or passive recreational use, including but not limited to the use of land for ... trails,. . . park . . .” The design study would incorporate plans for a new bike path along the brook’s corridor and would create passive recreation opportunities through the incorporation of landscaping, benches, picnic tables, and lighting.

§5(b)(2) allows CPA funds to be used for the **creation** and **preservation** of land for recreational use and prohibits the use of funds for **rehabilitation** of recreation land that was not acquired through CPA. The scope of work described for this design, as related to recreation, primarily refers to creation of new recreation amenities.

Studies

The proposed conceptual design study is eligible for CPA funds based on both the Department of Revenue guidelines (IGR No. 00-209) and the Community Preservation Coalitions report entitled *Potential Uses of CPA Funds*, which lists incidental project costs as allowable expenditures. In addition, the Law Department issued an Opinion in April 2004, in connection with the original proposal for the Stearns/Pellegrini Parks Master Plans, which states “The Act allows expenditures for preservation and creation of land for recreational uses. Planning and design services may be considered to be part of such preservation and creation.”

Newton Community Preservation Plan

Overarching Goals

1. Contribute to the preservation of Newton’s unique character, boost the vitality of the community and enhance the quality of life for its residents.	Yes
2. Serve more than one CPA category.	Yes
3. Demonstrate the highest cost/benefit value relative to other proposals.	See below
4. Leverage other public and/or private funds.	Yes, see below
5. Preserve a resource or opportunity that would otherwise be lost.	Yes, see below
6. Show that a project is the most reasonable available option to achieve the objective.	See below
7. Demonstrate strong community support.	Yes, see below
8. Serve to equitably distribute CPA funds throughout the City.	See below

Additional comments on selected goals:

Goal 3: Compared to other recreation studies, the cost for the Cheesecake Brook Greenway study is low. The table below shows the comparative costs for CPA-funded recreation project studies.

<i>Project Name</i>	<i>Fiscal Year</i>	<i>Total CPA Funds</i>
U. Falls & N. Highlands Playgrounds Strategic Design	06	\$92,080
Newton Centre Playground Pedestrian Access Improvement Plan	05	\$55,147
Renovations to the Central Corridor of Albemarle Park	06	\$33,400
Stearns/Pellegrini Park Renovation Study	04	\$30,000

Development of the Cheesecake Brook Greenway	06	\$25,100
Williams School Outdoor Intergenerational Classroom Study	06	\$23,633

Goal 4: This project leverages the current CDBG funded study of improvements to the southern portion of Cheesecake Brook. The applicants expect to pay for the capital improvements with a combination of City, state and federal funds.

Goal 5: Cheesecake Brook is currently a small, channeled stream in Newtonville. Its proximity to Albemarle Park and the Charles River Corridor present great opportunities for Newton. Currently, the brook has no established sidewalk or recreation amenities along its length. The Cheesecake Brook Greenway study would create a plan to expand recreational opportunities and better tie it into existing parks infrastructure.

Goal 6: Extensive study would be undertaken to inventory the brook’s condition and links to nearby parks. An engineer would be hired to conduct the following activities: existing conditions and constraints survey; baseplan development; meet with stakeholders; create preliminary design plan; finalize design and draft documents.

Goal 7: The application includes support letters from the Mayor, Alderman Johnson, Newton North Little League, Newton Conservators, Day Middle School, Charles River Watershed Association, Newton Youth Soccer, Newton Girls Soccer and the League of Women Voters.

Goal 8: The FY06 applications include funding requests for projects in Nonantum, West Newton, Newtonville, Oak Hill, Newton Centre, Chestnut Hill, Newton Highlands, Auburndale, Newton Upper Falls as well as citywide projects. This project furthers the CPC’s goal of equitable geographic distribution of CPA funds throughout the City due to the length of the corridor (over a mile), which would extend from the CDBG funded project that begins at Eddy Street north to the Charles River and pass through numerous neighborhoods. In the four-year history of Newton’s CPA program, we have not had the opportunity to fund a recreation project of this extent, one that spans through and connects multiple neighborhoods and recreation facilities.

Recreation Goals

1. Address the needs targeted in the <i>Recreation and Open Space Plan 2003-2007</i> and priorities as identified by the Parks and Recreation Department and Commission and take advantage of other opportunities to meet the recreation needs of the residents of the City.	Yes, see below
2. Demonstrate that the proposal is planned with consideration for the current and future needs and vision of the park/recreation facility.	Yes, see below
3. Meet the recreation needs of the greatest number of residents possible. This means that when faced with a decision between two or more projects, all other factors being equal, the one that serves the largest number of residents will be selected for consideration.	Yes, see below
4. Meet the greatest variety of recreation needs possible. The committee will favor projects that provide multiple recreation opportunities in a given location.	Yes, see below
5. Serve passive as well as active uses. Finding ways to balance the range of recreational opportunities and serve the diverse recreation needs of the community is a priority of the CPC.	Yes
6. Preserve sight lines consistent with open space... decisions about scale and placement should be made with the objective of enhancing or enabling open views.	Yes
7. Access for disabled residents should be included in plans wherever possible.	Yes, see below

Additional comments on selected goals:

Goal 1: The Cheesecake Brook corridor is listed in the *Recreation and Open Space Plan 2003-2007* as an important open space and recreation resource. The study would develop a plan to better connect active recreational facilities to passive recreation ones, a goal that is supported in the City’s plan. On page 102, the plan advocates the development of a citywide bike path system that provides linkages to other recreational

facilities. The plan also notes a need to improve recreational facilities in the northern part of the City, address water pollution in streams, maintain visual corridors and improve walking areas for the elderly and disabled- all of which would be supported by funding this study.

Goal 2: The study aims to improve the aesthetics and utility of the Cheesecake Brook as a natural and recreational resource. Currently, the roadway along the brook supports walkers, joggers and children who dangerously walk on the median, shoulders and in the road's traffic lanes. The plan's outcome would be a safe, connected trail to some of the City's parks and DCR's Charles River trails.

Goal 3: The Cheesecake Brook Greenway would be located in a densely populated area, but would attract users from across the City.

Goal 4: The proposed trail would provide a facility for cyclists, walkers, joggers and a safe route for schoolchildren.

Goal 7: The bridge that currently crosses Cheesecake Brook is not accessible. The study would design an alternative bridge and would make other accessibility recommendations.

Open Space Goals

1. Provide protection for land listed in the <i>Recreation & Open Space Plan 2003-2007</i> .	Yes, see below
2. Expand existing open space.	No
3. Enhance biodiversity or wildlife habitat and reclaim natural resources.	Yes, see below
4. Protect wetlands, mitigate flooding and improve groundwater recharge.	Yes
5. Create small pocket parks.	No
6. Enable the development of passive recreation opportunities.	Yes, see below
7. Serve as suitable sites for nature-related education, scientific study or observation and enjoyment of nature.	Yes
8. Protect a natural feature of special interest.	Yes
9. Enhance public access (where access does not seriously threaten habitat).	Yes
10. Provide linkages and wildlife corridors between open spaces.	Yes

Additional comments on selected goals:

Goal 1: The Development of the Cheesecake Brook Greenway meets the plan's general goals in terms of improving passive recreational opportunities and improving current tracts of open space in the City.

Goal 3: Part of the study would look to reduce runoff from spilling directly into the brook and improving the water for wildlife.

Goal 6: The design project would focus on creating a new linear park/greenway, which would include multiple amenities for passive recreation along the length of the corridor including a new bike path (for cycling, jogging and walking) as well as new landscaping, outdoor furniture and lighting. The greenway would link directly to the DCR's bike path along the Charles River, which extends 14 miles from the Esplanade in Boston to Cambridge, Watertown, Newton, Waltham and Weston.

CPC RECOMMENDATION

The proposal is consistent with the CPA criteria and many of the Plan's goals, as described above. Therefore, the Community Preservation Committee voted unanimously to recommend funding this application to develop a plan to improve recreational opportunities and open space at Cheesecake Brook by appropriating and transferring the requested \$25,100 under the direction and control of the Department of Public Works for purposes of this project as detailed in the application dated February 6, 2006, subject to the following conditions:

1. The Department of Public Works or designee shall submit to the CPC an initial project timeline and a status report on a quarterly basis that describes work that is complete, work remaining, expenditures and target completion date.
2. Work shall commence no later than December 31, 2006 and shall be completed no later than December 31, 2007 or such other date(s) as may be approved in writing by the Director of Planning and Development. In the event of failure to meet the project start or completion dates as stated herein or as approved by the Director of Planning and Development, any remaining funds in the project account shall be returned to the Newton Community Preservation Fund.
3. Consideration of CPA funds for future phases will require the demonstration of a good-faith effort on the part of the applicant to substantially leverage other funding sources; provided, however, the applicant understands and agrees that CPC's recommendation of funding for this design plan does not imply any CPC support for, or any applicant expectation of, a further CPC recommendation for the funding of future project design or construction phases.
4. Promptly after substantial completion of the design work, the applicant shall submit to the Community Preservation Committee a final project development cost statement. Any portion of the grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.