

Name of Applicant: Mayor David B. Cohen

Contact Name: Jeremy Solomon
Newton City Hall
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Newton, MA 02459
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Name of Proposal: Acquisition of 20 Rogers Street property

Address of Proposal: 20 Rogers Street, Newton Highlands 02461

CPA Category: Open space, Recreation.

CPA Funding Requested: \$2.3 million

Total Cost of Proposed Project: \$2.3 million

PROJECT DESCRIPTION

- 1. Goals.** The primary goal of this project is for the City to acquire the 20 Rogers Street property, adjacent to our current Crystal Lake facility. This unique piece of land would afford residents with an exemplary setting for passive recreation and open space.
- 2. Community Need.** Crystal Lake has been a summer tradition for many thousands of Newton residents since the City was granted authority over it by the Commonwealth in 1924. For more than eight decades, this unique community recreational facility has provided thousands of citizens with a refuge from the summer heat, swimming programs for nine separate camps and community organizations, and a chance to meet, congregate, and enjoy passive and active recreation with other Newtonians in a relaxed atmosphere. Today is a unique time in our City history, where we have the ability to acquire the property adjacent to our current Crystal Lake facility. This is an opportunity that comes along only once in a generation, and its acquisition enables our community to preserve and potentially improve on a facility that hosted more than 16,500 patrons last year, including 450 kids in summer schools and camps and more than 400 senior citizens.

The acquisition of this property would enable the City to make two needed improvements to our current Crystal Lake facility. First, the City would be unimpeded in our efforts to fix the retaining wall on the 20 Rogers Street property that is in disrepair and represents a public safety hazard. The City hired an independent geotechnical engineering and environmental consulting firm in May of 2006 to analyze the retaining wall located on the 20 Rogers Street property. The firm (GZA Geoenvironmental Inc.) concluded, "It is GZA's opinion that there is a significant threat of overturning instability. Although the exact time to failure is unknown, eventual failure is likely due to continued frost jacking, unless remedial measures are undertaken." For two years The City has appealed to the owner the current owner to fix the wall on his property to no avail. Owning the property would enable us to eliminate this public safety hazard once and for all.

Secondly, the acquisition would enable the City to re-open "Left Beach," the beachfront adjacent to the retaining wall. For the past two summers the City has been forced to cordon off Left Beach due to the safety hazard of the retaining wall, and the current owner's steadfast refusal to repair it. Left Beach makes up 190 linear feet of the total 290 linear feet of sandy beach at Crystal Lake. In addition, Left Beach features eight benches, the only on site seating available. Closing Left Beach has left only 100 linear feet of sandy beach with no seating the past two summers. Owning the property would enable the City to offer residents the full active and passive recreational opportunities at Crystal Lake.

3. Community Support. Residents have banded together in support of the acquisition of this property. A grassroots organization, began a website, www.betterlake.com, and circulated a petition that reads in part, "We call upon the City of Newton to apply all means possible to acquire the adjacent (uninhabited) property at 20 Rogers Street." The petition was signed by more than 400 citizens. In addition, the City held a public meeting at the Newton Free Library on November 6, 2006. With over 240 attendees, 32 consecutive people came to the microphone to speak in favor of the acquisition with none against it.

Attached you will find letters of support of the acquisition from the Newton Parks and Recreation Commission, the Citizens for a Better Crystal Lake, and the three Aldermen from Ward six, which encompasses Crystal Lake.

4. Timeline. The City of Newton has been in conversation with the current owner for two years to see if the City could resolve the repair of the retaining wall, and for the last six months to see if he would sell the property to the City. My decision to use eminent domain comes only after all other options have been exhausted. The City Solicitor informs me that due to the encumbrances on the 20

Rogers Street property, eminent domain is in fact the City's only way to obtain clear title of it.

Should the CPC favorably recommend this project to the Board of Aldermen, their subsequent deliberations and vote will be the final milestone in this project. Regardless of the outcome of your and the Board's deliberations, the City will open the Crystal Lake facility on June 11th.

The 20 Rogers Street property will be used for recreational and open space purposes. The City will be very deliberate when deciding what changes we will make to the property, and it will be a public process. We have already garnered the support of the Ward aldermen, the Newton Highlands Neighborhood Council, and an active citizen group. Following the acquisition of the property, we will continue to seek input from these entities, along with every citizen who wishes to voice their suggestions for what we should do with the land. It is the City's view that regardless of what we will do with the property, we must take the unique opportunity before us and acquire the property now.

5. **Credentials.** As Mayor of the City of Newton for the past nine years, I have overseen the implementation of the use of CPA funds in our community. I believe the CPA projects that we have undertaken together have added immeasurable value to the quality of life to many thousands of current and future Newton residents. I fully understand the letter and intent of the Community Preservation Act, and I firmly believe this proposal embodies both.

6. **Success Factors.** The success of this project may be measured in the number of patrons who attend Crystal Lake following the acquisition. Newton Parks and Recreation Commissioner Fran Towle believes the limited beach area and the lack of seating contributed to the steep decline in permits issued from 2,396 in 2005 to 1,874 in 2006 – a 21% decline. It is anticipated with the restoration of Left Beach, and the additional land at 20 Rogers Street, that Crystal Lake will become an even more popular destination for the citizens of Newton.

7. **Budget.** The \$2.3 million request reflects the market value appraisal as performed by Shepherd Associates on December 8, 2006.

8. **Other Funding.** No other funding would be necessary to complete this transaction.

9. **Maintenance.** The maintenance of 20 Rogers Street will be performed by the Newton Parks and Recreation Department. Funds will be expended via the normal municipal budget process.

NEWTON PARKS AND RECREATION DEPARTMENT

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DAVID B. COHEN
MAYOR

January 30, 2006

Honorable Mayor David B. Cohen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Subject: Crystal Lake

Dear Mayor Cohen:

On behalf of the Newton Parks & Recreation Commission, we highly recommend as a top priority, the purchase of Mr. Patrick Hannon's property located at 20 Rogers Street, next to Crystal Lake.

At the June 19, 2006 Commission meeting the members voted unanimously 7-0 to apply for CPC funds or to take whatever action is necessary to purchase the Rogers Street property.

Also, in the Needs Assessment for the Department, Crystal Lake is listed as a high priority in the ranking for update of recreation facilities.

The Commission supports the purchase of the property at 20 Rogers Street.

Sincerely,

Francis Rice
Chairman, Parks & Recreation Commission

COMMISSION MEMBERS

WARD 1 - JENNIE DEVITO
WARD 2 - ARTHUR MAGNI
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE, CHAIRMAN
WARD 5 - WALTER S. BEIRNHEIMER II, VICE CHAIRMAN
WARD 6 - ANDREW STERN

WARD 7 - VACANT
WARD 8 - MYRA TATTENBAUM
FAVE HAYS - COMM. SECRETARY

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE

www.ci.newton.ma.us/parks