



City of Newton, Massachusetts  
Community Preservation Committee



David B. Cohen  
Mayor

MEMORANDUM

*DATE:* 14 November 2007

*TO:* The Honorable Board of Aldermen

*FROM:* Community Preservation Committee

*RE:* **Recommended CPA Funding for the Purchase of Land at  
230 Lake Avenue**

1. **PROJECT TITLE:** 230 Lake Avenue
2. **CPA CATEGORIES:** Recreation Land and Open Space
3. **PROJECT DESCRIPTION & FUNDING REQUEST**

The applicant, Mayor David B. Cohen, proposes to acquire the land included in the property at 230 Lake Avenue, between existing public spaces at Levingston Cove and the swimming beach at Crystal Lake, for use as public recreation land and open space.

The Committee recommends total CPA funding for this project of **\$1,400,000**, subject to the conditions and financing recommendations in sections 4 & 7 below.

Since the Commonwealth of Massachusetts granted the City authority over Crystal Lake as a great pond in 1924, the lake has been a summer tradition. Many thousands of Newton residents – of all ages, interests, and ethnic backgrounds – meet, congregate, and enjoy passive and active recreation by the lake in a relaxed atmosphere. Summer swimming at Crystal Lake is affordable to every resident.

The recent use of community preservation funds to purchase the property at 20 Rogers Street has done much to resolve previous public safety issues and overcrowding at the City's Crystal Lake swimming beach. In the summer of 2007, 26,201 beachgoers – nearly 59% more than the previous summer – resoundingly endorsed this addition to the City's swimming area.

Building on that success, integrating the land at 230 Lake Avenue into the chain of public spaces at Crystal Lake, will further enhance public access to the lakeshore, and increase the flexibility needed to plan and manage public use. An expanded, integrated Crystal Lake Park will protect what is universally recognized as one of Newton's "special places." More than perhaps any other City park, Crystal Lake has been a unifying centerpiece in Newton, drawing people together from across the City's distinctive villages. From the late 19th century to the present, it has been the site of many civic celebrations – from ice skating festivals to fireworks to community fundraising events (which in the 1930s included diving demonstrations and enactments of scenes from operas). Yet even as it hosted these very public events, Crystal Lake continued to provide a uniquely desirable location for both private residences and quiet nature walks.

By completing the chain of public spaces along the lakeshore, the purchase of 230 Lake Avenue will protect Crystal Lake's unique mixture of passive and active recreation, of public and private enjoyment, and of contemplation and community, for centuries to come.

#### 4. **CPC VOTE & RECOMMENDATION**

On 23 October 2007 the Community Preservation Committee voted 7 in favor, 2 opposed, to recommend funding this proposal.

The two members who opposed the motion, Charles McMillan and Kenneth Kimmell, felt the cost of this purchase outweighed its potential public benefit; and that the project offered too little leverage for

community preservation funds, as project advocates had to date made no plans or commitments for community fundraising or other leveraging of community preservation funds.

Based on consistency with the Community Preservation Act and Newton's Community Preservation Plan, as described in **section 6** below, and subject to the conditions listed in **section 7** below, the Committee recommends:

That the sum of \$1,400,000 be appropriated from the Community Preservation Fund be expended under the direction and control of His Honor the Mayor for the purchase of land at 230 Lake Avenue, for public use as recreation land and open space,

That said appropriation be financed with a bond authorization in the amount of \$1,400,000 for a term of not greater than 10 years, but that the City treasurer issue bond anticipation notes, with a maturity of not earlier than 1 September 2008, for the interim financing of this acquisition, based upon an understanding that the bond authorization will be rescinded and replaced with a FY 2009 CPA fund revenue or fund balance appropriation prior to setting the FY 2009 tax rate.

That His Honor the Mayor request an Emergency Preamble, to make Board-appropriated funds for this purchase available for use with the minimum possible delay.

Finally, that the total appropriation recommended above be allocated as follows among allowable uses of community preservation funds:

Recreation land	50%
Open space	50%

## 5. ADDITIONAL SOURCES & USES OF FUNDS

Based on the independent appraisal commissioned by the City, as required by law, and by combining CPA funds with other funds, Mayor David B. Cohen has agreed to purchase the entire property at 230 Lake Avenue for the fair market value of \$1.95 million. The Mayor will request a separate appropriation of \$550,000 from the Board of Aldermen for the purchase of the existing home on the property.

## 6. FINDINGS

### Community Preservation Act (MGL c.44B)

230 Lake Avenue fits the Act's

- ♦ **definition of land for recreational use**, which includes, but is not limited to, use for "community gardens, trails, noncommercial youth and adult sports, and parks"
- ♦ **definition of open space**, which includes, but is not limited to, "watershed land, lake and pond frontage, beaches, lands to protect scenic vistas, and land for recreational use"

and its use for public recreation and open space fits the

- ♦ **allowable uses of Community Preservation funds for both recreation land and open space** - to acquire, create, preserve, and restore or rehabilitate for the purpose of making [resources] functional for their intended use

### Newton Community Preservation Plan

This project serves multiple priorities identified in the current *Community Preservation Plan*:

#### *Overarching CP Plan goals addressed by this project*

Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.
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Preserve a resource or opportunity that would otherwise be lost.
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Demonstrate strong community support.

*Comments on selected goals:*

**Crystal Lake as one of Newton’s “character-defining features”:** *Crystal Lake is valuable not only as recreation land and open space, but as a visible symbol of Newton’s sense of community. Although the Committee is not recommending this project under the CPA category of “historic resources,” Crystal Lake is clearly recognized by Newton residents as what historic preservationists call a “character-defining feature” of the City. Recent walking tours of the lake area, sponsored by the Newton History Museum and the Newton Conservators, have attracted participants from across the City and even from neighboring communities. Lakeside residents have welcomed these walkers, on occasion even inviting them into their backyards to share their private views and exchange stories about how Crystal Lake and its neighborhood have changed through the years.*

**Community support:** *This project enjoys strong support, as shown by attendance at meetings and by the numerous letters and emails received by the Committee. However, opposition has also been expressed by immediate neighbors concerned about the potential impacts of increased traffic and public use, or who feel that the property’s year-round use as a private residence would provide better security and oversight for the Lake’s public areas than would expanded public ownership with only seasonal staffing.*

**Sustainability:** *A significant number of community residents, including project advocates, have expressed concern about providing adequate long-term resources to improve and maintain an expanded public park at Crystal Lake. The conditions recommended in section 7 below explicitly address this concern, which the Committee shares.*

**Cost:** *The Committee recognizes that the per-acre cost of this project is relatively high. However, the opportunity to create a new, integrated Crystal Lake Park is a unique opportunity, one that is only likely to increase in cost if deferred.*

**Recreation & Open Space CP Plan goals addressed by this project**

Address needs and protect land targeted in the City of Newton <i>Recreation and Open Space Plan</i> and priorities identified by the Parks and Recreation Department, the Parks and Recreation Commission, and the Conservation Commission.
Serve passive as well as active uses; provide sites for nature-related education, scientific study, or observation and enjoyment of nature.
Preserve vistas, sight lines, and natural features of special interest.
Expand existing open spaces.
Meet the recreation needs of the greatest number of residents possible.
Meet the greatest variety of recreation needs possible in a given location.
Enhance public access, and provide access for disabled residents wherever possible.
Consider both current and future needs and visions for particular parks.

*Comments on selected goals:*

**Meeting diverse needs:** *Crystal Lake serves a uniquely diverse audience of all ages, interests, and backgrounds, by providing a unique combination of passive and active recreational opportunities. Uniting Crystal Lake’s currently disconnected public spaces into a single, integrated Crystal Lake Park will build on current strengths, and make current challenges more manageable.*

**Accessibility:** *This project provides important opportunities to expand and enhance access to Crystal Lake, in many different senses. Crystal Lake – most unusually among Newton’s major public parks and*

conservation areas – is easily accessible by public transit (both bus and light-rail). Enhancing public access to Crystal Lake therefore does not necessarily require a proportional increase in automobile traffic or parking. In addition, a larger contiguous public space at Crystal Lake will make it easier to provide access for people with limited mobility, by building ramps or paths rather than stairs and walls. The Crystal Lake Taskforce appointed by the Mayor to plan for the future use of Crystal Lake has been explicitly asked to plan for such access.

**Sustainability:** The recommended conditions in section 7 below address the future as well as current needs of Crystal Lake and its users.

## **Recreation & Open Space Plan** (2003-2007)

The opportunity in 2007 to expand public space at Crystal Lake, through the purchase of 20 Rogers Street in the spring, and the proposed purchase of 230 Lake Avenue in the fall of the same year, was truly the sort of “unanticipated opportunity” highlighted in the Community Preservation Plan. As a result, neither purchase was envisioned or recommended in *Recreation & Open Space Plan*.

However, this project does address several general goals in that *Plan*, such as making “strategic additions to existing large open spaces” (p. 70), as well as:

**Environmental quality:** providing flexibility for both increasing public use and minimizing the potential impacts of such use, at the most heavily used of Newton’s 10 prominent lakes and ponds (pp. 37, 74)

**Scenic roads:** Enhancing public access to and protecting the character of Lake Avenue, one of Newton’s 17 officially designated scenic roads (pp. 34, 36)

**Meeting diverse recreational needs:** Providing additional informal recreational opportunities for seniors, such as walks and sitting places, and the removal of barriers which restrict access to recreation facilities, including fishing sites (p. 79); and supporting intergenerational recreation, by integrating resources such as picnic and sitting areas within active recreation sites such as playing fields and playgrounds (p. 82)

## **7. CONDITIONS OF CPC RECOMMENDATION**

The Community Preservation Committee recommends funding this request subject to the following conditions:

1. The future use of the property at 230 Lake Avenue will be subject to the following limits:
  - 1a. If the existing building on the property is retained, it will be used only in ways that directly support the use of the surrounding land for public recreation and open space. For example, the building will not be used for regular municipal office space.
  - 1b. By 26 November 2007, the Mayor will submit to the CPC and Board of Aldermen a plan for creating an organization to raise private funds to support further improvements, maintenance, and programming at Crystal Lake. The Committee expects that community groups will play an integral role in both creating and carrying out this plan. The Committee further expects that any future requests for public funding of capital improvements at this site will not rely on the Community Preservation Fund, but will identify a combination of community contributions and/or a dedicated municipal funding stream adequate to cover the maintenance of such improvements.
2. §12(a) of the Community Preservation Act requires that real property interests acquired with Community Preservation funds be bound by a permanent deed restriction ensuring that the property is used in perpetuity as public recreation land and open space. The Parks and Recreation Department has agreed to convey to the Newton Conservators such a restriction for 230 Lake Avenue. The Parks and Recreation Department and the Newton Conservators will negotiate an agreement for the monitoring and enforcement of this restriction.

3. §12(b) of the Act requires that real property interests acquired with Community Preservation funds be owned by the City. Upon closing, 230 Lake Avenue will be deeded to the City of Newton, under the jurisdiction of the Parks and Recreation Department.
4. The purchase of this land by the City of Newton shall occur no later than 30 June 2008.
5. Any portion of the Community Preservation Fund grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

## **8. ATTACHMENTS**

(delivered to the Clerk of the Committee on Community Preservation)

Project proposal submitted to the Community Preservation Committee on 18 September 2007, including:

- ◆ Project area maps
- ◆ Letters of support from the Parks and Recreation Commission, Newton Conservators, Newton Highlands Area Council, Crystal Lake Taskforce, and Citizens for a Better Lake
- ◆ approximately 25 pp. of individual community emails about the proposal