



City of Newton, Massachusetts Community Preservation Committee



David B. Cohen
Mayor

MEMORANDUM

DATE: 14 November 2007, amended 20 February 2008 (changes indicated by ←)

TO: The Honorable Board of Aldermen

FROM: Community Preservation Committee

RE: **recommended CPA funding for the purchase of property at 230 Lake Avenue**

1. PROJECT TITLE: 230 Lake Avenue

2. CPA CATEGORIES: recreation land, open space, historic resources

3. PROJECT DESCRIPTION & FUNDING REQUEST

The applicant, Mayor David B. Cohen, proposes to acquire through the procedure of a “friendly taking” the 23,400 square feet of property at 230 Lake Avenue, between existing public spaces at Levingston Cove and the swimming beach at Crystal Lake to increase and enhance the value of public open space and recreation land along the Lake, and to preserve historic aspects of the existing home on this property. The City will subdivide the existing property into

- ◆ a parcel of open space (approx. 8,400 square feet) abutting existing City-owned property on Rogers Street, to be merged with that abutting public recreation land and open space
- ◆ a legal houselot (approx. 15,000 square feet), on which the following restrictions would be placed:
 - a conservation restriction and public access easement along the lakeshore, connecting the public park land on either side
 - a historic preservation restriction on the street-front façade of the house, to protect its historic appearance and relationship to the streetscape

The City will then seek to re-sell the houselot, as restricted, to a private owner (which may be a nonprofit organization), for use as a residence or for other purposes compatible with the restrictions outlined above, and the location of the house immediately abutting public park land. The Community Preservation Fund will be reimbursed in the amount of net proceeds from this sale. If the houselot has not sold within a reasonable time after the property has been subdivided, the City will have the option of demolishing the house and managing the entire property as public open space.

The Committee recommends total CPA funding for this project of **\$1,900,000**, for the purposes outlined above, and with the additional strong recommendations outlined in section 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 VOTES & RECOMMENDATION

On 23 October 2007 the Community Preservation Committee voted 7 in favor, 2 opposed, to recommend funding the purchase of the land at 230 Lake Avenue. 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 tapping other sources for funds.

On 12 February 2008 the Community Preservation Committee voted 6 in favor, 0 opposed, to recommend funding the purchase of the entire property at 230 Lake Avenue. 


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 \$1,900,000 be appropriated from the Community Preservation Fund be expended under the direction and control of His Honor the Mayor for the purchase of the entire property 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 \$1,900,000 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.

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

Recreation land	40%
Open space	40%
Historic resources	20%



5. 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"

The use of the land at 230 Lake Avenue 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

Although the existing house was not included in Newton's historic property surveys, it illustrates a significant style (Spanish colonial revival) represented only at scattered locations around the City, and is seen by many neighborhood residents as an informal local landmark, marking the entrance to the public space at Crystal Lake from the west and the south. The preservation of the house's street-front façade, and its visual relationship with the surrounding streetscape, fits the

- ♦ **allowable uses of Community Preservation funds for the preservation of historic resources**, including buildings or real property that have been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town

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.
Preserve a resource or opportunity that would otherwise be lost.
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 and sustainability: *This project enjoys strong support, as shown by attendance at meetings and by the numerous letters and emails received by the Committee. Opposition has 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. Opposition has also been expressed on the grounds that the cost of the property is out of proportion with the potential public benefit of acquiring it.*

Between 26 November 2007 and 14 January 2008, the Mayor and citizen advocates for this project submitted to the CPC and Board of Aldermen three successive drafts of a plan for creating the Crystal Lake Conservancy, an organization dedicated to raising private funds to support further improvements, maintenance, and programming at Crystal Lake. The Conservancy has obtained significant private funding commitments, some of which are contingent on the addition of 230 Lake Avenue to the public space around Crystal Lake. The Committee 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.

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)

6. CPC ADDITIONAL RECOMMENDATIONS

The Community Preservation Committee strongly urges the Mayor, as the principal project sponsor, and the Board of Aldermen, as the funding authority, to

1. Purchase this property as expeditiously as possible.
2. Upon closing, deed 230 Lake Avenue to the City of Newton, as required by §12(b) of the Community Preservation Act. Place the property under the jurisdiction of the Parks and Recreation Department and the Public Buildings Department, with each department's specific responsibilities determined by the Executive Department.
3. Approve promptly the \$50,000 requested by the Mayor to create a Master Plan for the entire, expanded public space along the south shore of Crystal Lake. This Master Plan will be critical for making good decisions about subdivision, permanent restriction, and future use of this public space, including 230 Lake Avenue.
4. Install a resident caretaker to provide for the basic maintenance and security of the house at no direct expense to City during interim City ownership.
5. Subdivide the existing property at 230 Lake Avenue carefully, to maximize both the public value of the smaller parcel, to be merged with public land at 20 Rogers Street, and the private value of the larger parcel containing the house and existing garage.
Ensure that the new houselot contains a minimum of 15,000 square feet and conforms to all local zoning laws.
6. At the appropriate time, impose conservation restrictions as needed to preserve as public open space that portion of 230 Lake Avenue merged with existing park land at 20 Rogers Street, and to preserve public access along the lakefront of 230 Lake Avenue, connecting the public parks on either side.
Impose a historic preservation restriction on the house front façade only, allowing for modest expansion on the lakefront side to ensure that the property is desirable for a new private owner.
7. Prior to marketing the houselot, obtain an independent appraisal of the property's value as restricted; this should remain confidential but should be used to ensure that the eventual sale price and reimbursement to the Community Preservation Fund are fair and reasonable.
9. Return any portion of the Community Preservation Fund grant not used for the purposes stated herein to the Newton Community Preservation Fund.
Return all proceeds from the sale of the house as a reimbursement to the Community Preservation Fund, net of reasonable and normal expenses such as broker fees, legal costs, closing costs, or a new appraisal.

7. ATTACHMENTS

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

Original 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

Mayor's letter revising the original proposal, submitted to the Community Preservation Committee on 13 February 2008, including

- ◆ sketch map showing potential subdivision of the property