

Joint Proposal to the
Community Preservation Committee

Project:
76 Webster Park
Open Space and Community Housing

Co-sponsored by:

the Newton Conservators, Inc.
the Newton Housing Authority
the Conservation Commission



Dolan Pond Conservation Area

Submitted: 14 May, 2003

APPLICATION FOR COMMUNITY PRESERVATION FUNDING



David B. Cohen
Mayor

Submit to Community Preservation Planner
Newton Planning and Development Department
1000 Commonwealth Avenue, Newton, MA 02459
communitypreservation@ci.newton.ma.us
617-796-1120 ext. 1131

Name of Applicant Newton Conservators, Inc., Newton Conservation Commission, Newton Housing Authority

Sponsoring Organization, if applicable _____

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Name of Proposal 76 Webster Park Open Space and Community Housing

CPA Category (circle all that apply): Open space Historic preservation Recreation Community housing

CPA Funding Requested \$1,110,000 Total Cost of Proposed Project \$1,110,000

PROJECT DESCRIPTION: Attach answers to the following questions. Applications will be returned as incomplete if all requested information is not provided. Include supporting materials as necessary.

1. **Goals:** What are the goals of the proposed project?
2. **Community Need:** Why is this project needed? Does it address needs identified in existing City plans?
3. **Community Support:** What is the nature and level of support for this project? Include letters of support.
4. **Timeline:** What is the schedule for project implementation, including a timeline for all critical elements?
5. **Credentials:** How will the experience of the applicant contribute to the success of this project?
6. **Success Factors:** How will the success of this project will be measured? Be as specific as possible.
7. **Budget:** What is the total budget for the project and how will CPA funds be spent? All items of expenditure must be clearly identified. Distinguish between hard and soft costs. (NOTE: CPA funds may NOT be used for maintenance.)
8. **Other Funding:** What additional funding sources are available, committed or under consideration? Include commitment letters, if available, and describe any other attempts to secure funding for this project.
9. **Maintenance:** If ongoing maintenance is required for your project, how will it be funded?

ADDITIONAL INFORMATION: Provide the following additional information, as applicable.

10. Documentation that you have control over the site, such as Purchase and Sale Agreement, option or deed.
11. Evidence that the project does not violate any zoning ordinance or any other laws or regulations.
12. Evidence that the proposed site is free of hazardous materials or that there is a plan for remediation in place.
13. Evidence that appropriate professional standards will be followed if construction, restoration or rehabilitation is proposed.
14. Information indicating how this project can be used to achieve additional community benefits.

Refer to the City web site (ci.newton.ma.us) and the Community Preservation Plan for further information.
Form CPA-1 (Revised 10/02)

Project Description

The Newton Conservators, the Newton Conservation Commission, and the Newton Housing Authority are pleased to submit a proposal to the Community Preservation Committee (CPC) for the acquisition of the property at 76 Webster Park (49,974 square feet, 1.15 acres) from the estate of Irene Forte. In this proposal, the City of Newton is presented with a unique opportunity to address open space acquisition and adding to its community housing base, both important goals articulated in the Newton's Community Preservation Plan. In addition, a house over 75 years old, in a historically significant neighborhood, would be preserved and restored as a result.

Irene Forte, a beloved former musical director and violin teacher at the All Newton Music School, passed away in January, 2003 at the age of 104. She was a wonderful steward of her land, whose very large back lot was always a stop on Dolan Pond bird walks. She had expressed concerns about what would happen to her property when she passed away. It was her desire that, if possible, it be acquired by the City of Newton and much of her large lot be preserved rather than be fully developed. Her property has been listed in the Newton Open Space Plan. Members of the Newton Conservators had discussed with her both her open space and house might be preserved under the open space, housing, and historical provisions of the Community Preservation Act (CPA) which was passed in Newton.

After her death, the Conservators were contacted by Donald Forte, the executor of her estate, and the estate was willing to offer the property to the Newton Conservators for a cost of \$1.1M, considerably below a higher estimate (\$1.5M) of its value to a developer. This offer is contingent on meeting a strict timetable for an appraisal of the property, funding decisions by the CPC and the Board of Aldermen, and under the provision that as much of the property be kept as open space as possible. Under this proposal, if CPA funds for this combined open space and community housing project are approved and the transaction takes place between the Newton Conservators and the Forte' Estate, the property would subsequently be subdivided into two parts, an open space portion (expected to be around 70% of the lot, approximately 0.8 acres) and a housing portion. The open space portion would become part of the Dolan Pond Conservation Area and with the use of 10% Inclusionary Zoning Funds, the existing home would be refurbished and up to two additional smaller units built on the housing portion.

It is important to understand that there is a very limited window of opportunity on this project and we respectfully request consideration of this proposal in as timely a manner as possible.

Open Space

In keeping with its mission to acquire properties for the preservation of open space and wildlife protection and to make areas accessible to the public, the Newton Conservation Commission is pleased to cosponsor this proposal for open space acquisition and community housing.

The open space portion would be deeded to the Newton Conservation Commission as an adjunct (as much as 10%) to the existing Dolan Pond Conservation Area. The property is immediately adjacent to the main entrance of the Dolan Pond Conservation Area, which recently has undergone major Community Development Block Grant funded renewal (approximately \$200,000) with new handicapped accessible stabilized soil pathways, boardwalk, parking areas, trails, overlooks, steps, and information kiosks. This project was initiated by the CDBG West Newton Advisory Committee with funds allocated on a five year cycle to certain economic target areas.

The Forte estate is a very strategic parcel relative to the Dolan Pond Conservation Area. The main entrance to Dolan Pond Conservation Area is situated at the end of the street called Webster Park. The main accessible entrance is down what might appear to be a private driveway for the house and units to the left of the Dolan Pond path. The undeveloped portion of the Forte' property forms the right side of this extension of Webster Park. It is very important to maintain this aesthetic sense of park entrance. The property also provides upland habitat with a variety of mature trees unlike the typical red maple swamp wetlands typical of most of the rest of the Dolan Pond Conservation Area. It is immediately adjacent to wetland areas and a vernal pool informally known as "Irene's Pond" and its preservation as open space would immensely contribute to the health of the nearby wetlands. With its higher elevation, the Forte property affords views into the sensitive wetland area that would otherwise be impossible. The back area of the property is a very serene pleasant environment preserved in a natural state with the foresight of Irene Forte.

The Newton Conservators are acting as agent in acquiring the property and would transfer ownership of the open space portion to the Newton Conservation Commission. In the future, it is anticipated that funding would be sought from other sources for a new pathway (possibly accessible), overlooks, and possibly benches. The area of Dolan Pond could be potentially increased up to 10% with this acquisition. The City of Newton would achieve conservation land and open space in perpetuity.

Since it's founding over 40 years ago, the Newton Conservators have been instrumental in preserving open space in Newton, in helping to enact environmental ordinances, and in particular promoting the passage of the Community Preservation Act in Newton. In fact, in response to a 1969 petition by Newton Conservators, Inc., the Board of Aldermen adopted the floodplain / Watershed Protection Ordinance which prohibited filling below Elevation 52' in the Dolan Wetland. Dolan Pond Conservation Area was added to the open space of the city in 1979 with support from the Newton Conservators.

Community Housing

The Newton Housing Authority (NHA) is pleased to participate as a co-sponsor in this proposal to the Community Preservation Committee (CPC). The NHA's portion of this proposal addresses the Community Housing Component of the Community Preservation Act. Established in 1959, the goal of the NHA is to provide safe, decent, and affordable housing to individuals and families who qualify for their programs. Currently, the City of Newton falls far short of its requirement under State mandate MGL Chapter 40B, to achieve 10% affordable housing stock in Newton. Presently, the City is at approximately 5%, which is woefully low. As the City of Newton is considered an affluent community, it is a continuous challenge to acquire additional housing units due to the very high market prices of real estate in Newton. "Newton Affordable Housing" is somewhat of an oxymoron.

To highlight this extraordinary need for housing, the NHA's State Family Housing waiting list currently has a waiting list of approximately 840 families. It is estimated that it could take as long as seven years or more to work our way through this list. This list is continuously updated. All of the NHA Section 8 vouchers are in use.

If this project is funded and the property acquired by the Newton Conservators, the housing portion of the property would then be deeded to the Newton Housing Authority for use as affordable housing which is desperately needed in Newton. To achieve its goals for additional housing stock, NHA 10% Inclusionary Zoning Funds (estimated up to \$500,000) would be used for extensive renovation of the existing home (1704 square feet) and the development of up to two additional housing units. The renovation would restore the home to its former stature and the new housing units would be designed to be stylistically compatible to the existing home. These are expected to be contained in a smaller additional attached unit with minimal footprint. The lot size will be determined by the need to meet zoning laws but the goal of maximizing the amount of open space portion will be respected. The NHA objective is to add up to three quality housing units to its affordable housing stock...in perpetuity.

Currently, there is a single family Colonial style house of 1,704 square feet according to the Newton Assessor's database. The property is currently zoned as MR1 (multi-residential). The lot potentially could support up to nine townhouses if fully developed (at one unit per 5000 square feet). The use described here may require a special permit to be issued by the zoning board but the scale of the proposed development is much more in keeping with the flavor of the neighborhood and sensitivity to nearby open space.

Historic Preservation

While it is not one of the primary components, there is an element of historic preservation addressed in this proposal. 76 Webster Park is situated within the Webster Park Historic District. The Newton History Museum at the Jackson Homestead was kind enough to provide documentation of this fact. Webster Park is one of the most intact examples of an early residential subdivision built after the opening of the Boston and Worcester Railroad in 1834. The original park laid out in 1844 by Alexander Wadsworth remains, and the collection of eight Gothic Revival cottages, by a known Boston architect, is a significant component of the district, which meets criteria of the National Register of Historic Places.

Webster Park represents a good example of the early suburb railroad subdivisions built in Newton. It was the second suburban development in Newton.

The single family house at 76 Webster Park was built by Irene Forte's father in 1925. Their family formerly resided nearby on Webster Street. She resided there from the time it was built until her death in 2003. While constructed much later than many of the other houses on Webster Park, it nonetheless has a charm and its scale and style fits in well with the other structures on Webster Park. Immediately adjacent to 76 Webster Park is a small mansard cottage (80 Webster Park) built in 1865 for Frank Metcalf who was apprenticed to Boston photographer John Whipple, and one of the few commuters in the Webster Park area. Across the circle is 79 Webster Park, one of the nicest examples of the twin peaked Gothic cottages circa 1848.

The house at 76 Webster Park, a Craftsman / Colonial Revival style house, sits on the largest lot in the Webster Park Historic District. Were the property purchased by a developer, there is a strong likelihood that it would be torn down as has been the case with so many properties in Newton. In our discussions with Irene Forte, the possibility of preserving the house was often mentioned. Under this proposal, the house would be fully restored and updated and any additional structures would be done in compatible scale and style preserving the look and feel of the original.

Summary

The City of Newton is presented with a unique window of opportunity due to the cooperation of the estate of Irene Forte. The 76 Webster Park acquisition will serve as a lasting monument to her foresight and concern. It provides a wonderful example of the kind of project for which the Community Preservation Act was intended. The 76 Webster Park Project achieves multiple benefits to the City of Newton combining elements of three main goals of the Community Preservation Act – open space, community housing, and historic preservation:

- Preservation of open space adjunct to the existing the Dolan Pond Conservation Area.
- Achieving three additional affordable housing units in perpetuity.
- Restoration of an existing single family home in a neighborhood of homes with significant historical value.

1. Goals:

What are the goals of the proposed project?

The immediate goal of this project is to acquire from the estate of Irene Forte the property at 76 Webster Park, West Newton. The property is approximately 49,974 square feet (1.15 acres) and is immediately adjacent to the main public accessible entrance of the Dolan Pond Conservation Area. The project primarily addresses two of the major goals of the CPA – open space and community housing, and secondarily historical preservation. If the property is acquired by the Newton Conservators, Inc. from the Forte estate, the intent is that it will be subdivided into two parts, an open space portion and a housing portion.

The open space portion, expected to be approximately 70% of the property (approximately 35,000 square feet, 0.8 acres) will be deeded to the Newton Conservation Commission as an adjunct to the existing Dolan Pond Conservation Area with eventual development of a new path and overlooks into the adjacent wetland and vernal pool. This area is elevated above the sensitive adjacent wetlands and provides a different upland nature habitat and variety of trees providing more biodiversity to the Dolan Pond Area. The area would be further protected through the grant of a Conservation Restriction to the Newton Conservators.

The housing portion, expected to be on the order of 15,000 square feet (0.34 acres), would be deeded to the Newton Housing Authority (NHA) for use as affordable housing which is in short supply in Newton. The NHA would use funds from the “10% Inclusionary Zoning Ordinance” to fully refurbish and improve the existing single family house and to build up to two minimal footprint, smaller additional attached units compatible in style with the existing single family house.

This project also exhibits a great many of the general qualities put forth in the Newton Community Preservation Plan as well as meeting many of the specific goals within the Open Space, Community Housing, and Historical Preservation areas. A number of these goals and the manner in which they are addressed are outlined below.

1.1 General Qualities and Goals:

The following are some of the general qualities and goals cited as desirable in the Community Preservation Plan.

1.1.1 *Contribute to the preservation of Newton's unique character, boost the vitality of the community and enhance the quality of life for its residents.*

Newton is known as the “Garden City” and any addition of open space helps to maintain this characteristic. Green space in a dense neighborhood cannot help but enhance the quality of life and it also provides opportunities for community involvement. The creation of affordable housing and mixed income levels contributes to the economic diversity and vitality of a local community.

1.1.2 *Serve more than one CPA category (for example, community housing that is clustered to preserve open space).*

The project primarily addresses two of the major goals of the CPA – open space and community housing, and secondarily historical preservation. We are proposing exactly the type of project cited as an example for this goal in the CPA Plan.

1.1.3 *Demonstrate the highest cost/benefit value relative to other proposals (this would include situations in which land, buildings or services are donated, offered at cost or discounted from market value).*

The estate of Irene Forte is willing to offer the property at a price below what it could likely bring on the open market for development at its market value for highest and best use. The property is being offered to the Newton Conservators at a price of \$1.1M.

This price is based on the lowest of the estimates obtained by the estate (see appendix). The cost benefit (according to market estimates) could be up to \$400,000 based on high market valuation estimates of \$1.5M.

An immediate independent appraisal of the property, funded by the Newton Conservators, has been requested of the Newton CPC Planner. This appraisal is expected to support the proposed property acquisition price of \$1.1M. The estate has set a limited time frame for an appraisal to be done. Four appraisal firms have been contacted by the CPC Planner and asked to submit quotes and to state if they can provide a written appraisal by the date of May 23, 2003..

1.1.4 Leverage other public and/or private funds.

CPA funds would be used for acquisition of estate property itself. 10% Ordinance Funds of up to \$500,000 would then be used for the restoration of the existing single family home and for the construction of up to two additional attached stylistically similar units. The project would add up three units of permanent affordable housing to Newton's supply.

Federal Community Development Block Grant (CDBG) target area funds of approximately \$200,000 were recently used for the restoration of the immediately adjacent Dolan Pond Conservation Area. If the new open space area on the Forte property is acquired, there would be an effort to locate other sources of funding for a new trail or pathway, overlooks, benches, and signage. CDBG Handicapped Accessibility Funds or other grant sources will be explored.

As the Community Preservation Plan itself states, "The high cost of land in Newton combined with the relative lack of significant open space parcels makes the City an unattractive candidate for private open space funds. Greater value can be obtained elsewhere, so groups like the Trust for Public Land, Mass Audubon, and The Trustees of Reservations often spend their money in less urban areas where large tracts can be preserved for smaller outlays."

1.1.5 Preserve a resource or opportunity that would otherwise be lost.

The cost of land in Newton is very high and such parcels are targets for dense development. There are very few situations like this with a cooperative landowner that wishes to preserve open space. We need to take advantage of this unique opportunity which otherwise would be lost forever.

Given the strategic location of the Forte property next to the main entrance to the Dolan Pond Conservation Area, a loss of this property to dense development would negate a lot of the recent improvements to the Conservation Area.

1.1.6 Show that a project is the most reasonable available option to achieve the objective.

The CPA program was meant for situations such as this. In the past, when open space properties became available, due to continuing budget constraints in the city, there would be no chance to move on an available opportunity. CPA funding provides a mechanism to achieve land acquisition in a reasonable time frame.

The cost to restore the existing home would be far less costly than attempting to acquire a single family home in the Newton real estate market. The development cost of up to two new units on the site would be far less costly on this site, as there would not be a land acquisition cost.

1.1.7 Serve to equitably distribute CPA funds throughout the City.

The Newton Conservators have recently expressed interest in preserving three parcels via CPA, the Kessler Woods property on the south side of Newton, the Elgin Street parcel in central Newton, and now Dolan Pond on the north side of the city. The NHA seeks to distribute community housing in all neighborhoods of the city.

1.2 Open Space Goals

The following are some of the open space goals articulated in the Newton CPA Plan. These goals were originally developed in consultation with the Newton Conservation Commission, the Newton Conservators, and other organizations.

1.2.1 *Provide protection (through fee simple acquisition, easement, or deed restriction) for land listed in the Open Space and Recreation Plan.*

By this proposal we are attempting to provide the strongest form of protection in perpetuity through fee simple acquisition. We had explored protection of the open space with the family in the form of conservation easements but the current form of arrangement was their preferred path. We have the existing Dolan Pond Conservation Area today due to such actions over 20 years ago.

1.2.2 *Expand existing open spaces.*

The immediately adjacent Dolan Pond Conservation Area is approximately 8 acres in size and consists primarily of vegetated wetlands. This proposal has the goal of adding to the current Dolan Pond up to another 0.8 acres, in other words up to a 10% enlargement. The Forte property provides much more than just additional area. It is higher than the adjacent wetland and vernal pool and provides viewing into much of the area of Dolan Pond that would otherwise be inaccessible for viewing wildlife. Because of its wetland nature and the fact that it may contain unusual plants that should not be disturbed, a trail through this area is not feasible. The higher ground of the Forte property allows observation without disturbance. The Newton Conservators bird walks at Dolan Pond have always included taking participants into the side and back areas of the Forte property with explicit permission of Irene Forte. With this acquisition, this unique area will remain permanently publicly accessible.

1.2.3 *Enhance biodiversity or wildlife habitat and reclaim natural resources.*

A 1995 resource survey report by naturalist John Richardson concluded that Dolan Pond Conservation Area provides unique habitat for both wildlife and a variety of plant species that are rare within the City of Newton. Although only 8 acres in extent, the area provides a mosaic of environmental conditions that encourages biological diversity. Included among the plant species of special significance found growing in the area are netted chain fern, Atlantic white cedar, round leaved sundew, swamp milkweed, poison sumac, and cotton grass. As part of the Newton Pride Wildflower Initiative, native wildflowers have been planted.

Although the majority of the conservation area is dominated by red maple swamp, the interspersions of open water, scrub/shrub thickets and wet meadow/vegetated swales provides for a rich wildlife habitat. Over 130 species of birds have been observed at Dolan Pond. These have included such rarities as Prothonotary Warbler, Worm-eating Warbler, Louisiana Waterthrush, Long-billed Dowitcher, Ruffed Grouse, and White-eyed Vireo. Over 25 different species, including wading birds such as Green Heron, have nested here. A Wood Duck nesting program was begun in the fall of 1998 as a Boy Scout Eagle project (Troop 355, Newton). The boxes have since been occupied by Wood Ducks, Flickers, Eastern Screech Owls and Squirrels. Wood Duck chicks successfully hatched in 2000 and in 2002. A biodiversity survey conducted on June 9-10, 2000 found approximately 120 different plant, animal, and insect varieties. Muskrats and Painted Turtles are often seen in the ponds and in addition to the usual squirrels, skunks, and raccoons, coyotes and fishers (member of the weasel family) have been seen on occasion. Aquatic areas provide habitat for amphibians and snakes. The ponds are one of the few known breeding grounds for the American Toad in Newton. The 1995 report stated that Dolan Pond Conservation Area was a "very special jewel with the City of Newton's open space system."

Due to its upland nature, the Forte property offers much different wildlife habitat than that in the adjacent wetlands. The lot consists of a mix of mature trees, with a stand of conifers which are not generally found in the rest of the area. Different species of trees tend to attract different species of birds. The addition of the Forte open space will add significantly to the biodiversity of the area.

While the adjacent vernal pools have not been officially certified or found to contain spotted salamanders, it is known that nearby upland habitat is important for their survival. Jon Regosin, Newton Conservators Board member, is completing his doctorate in this area and expressed an interest in looking for salamander eggs particularly in Banana Pond.

1.2.4 *Protect wetlands, mitigate flooding and improve groundwater recharge.*

The open space Forte property helps protect critical wetland habitat due to its non developed porous terrain. It acts a natural filter. The Dolan Pond Conservation Area is a natural low basin area and functions very much to mitigate flooding in the surrounding neighborhood and helps filter street runoff.

Dolan Pond was originally saved from development under the provisions of the Hatch Act, the predecessor of the Wetlands Protection Act. One of the main missions of the Newton Conservation Commission is to administer the Wetlands Protection Act (MGL Ch. 131, s. 40), the Wetlands Regulations (310 CMR 10.00) and the City of Newton Floodplain Ordinance 22-22 to preserve and protect Newton's wetlands and floodplains. They also publish a valuable pamphlet, "Wetland Protection in Newton: A Guide for Land Owners and Landscapers." The Conservation Commission has the authority to regulate activities in wetlands. It also has jurisdiction in the "buffer zone" of upland that is within 100 feet of the border of the wetland resource area. The buffer zone gives the Commission the ability to require that steps be taken to minimize the threat of adverse wetland impacts when construction on the upland takes place.

1.2.5 *Enable the development of passive recreation opportunities, such as walking, jogging, cross-country skiing or community gardening.*

The open space at 76 Webster Park will facilitate passive recreation opportunities such as walking, jogging, birding, and cross country skiing. The addition of an auxiliary pathway and pedestrian accessible (not brush or thicket) open area would facilitate walking and nature study. A trail or pathway there would add significantly to the linear distance available for activities such as cross country within the confines of the relatively small Dolan Pond Conservation Area. There could be the opportunity for the development of community gardening opportunity within the confines of the housing portion of the property.

1.2.6 *Serve as suitable sites for nature-related education, scientific study or observation and enjoyment of nature.*

The Dolan Pond area has traditionally been used by local elementary schools, both Burr School on Pine Street in Auburndale and the Franklin School on Derby Street in West Newton, for nature related education purposes. The fifth grade science programs have traditionally used the Dolan Pond Conservation Area as an outdoor classroom for nature study. Classes have participated in Newton Biodiversity Days events at Dolan Pond. Several years ago, Burr School science teacher, Kalpana Guttman, received a Newton Conservators grant to study water quality at Dolan Pond. Groups of students, teachers, and parents have from Burr and Franklin Schools have participated in trail renewal at Dolan Pond. The Environmental Science Program for several summers participated in several service projects at Dolan Pond, particularly in a multiyear Japanese Knotweed mitigation and control under the auspices of the Newton Conservation Commission. Aftercare programs at Burr and Franklin (Ploughshares) could take advantage of the nature related service or learning opportunities at an expanded Dolan Pond Area. Clients of the nearby Barry Price Rehabilitation Center could use the area for the enjoyment of nature. Boy Scout Troop 355 (headquartered at St. Bernard's in West Newton) has participated in a Wood Duck nestbox program at Dolan Pond. The Forte property in conjunction with the adjacent Webster Park circle would be suitable habitat for a bluebird nest box program. Irene Forte related earlier times when Eastern Bluebirds would nest in the vicinity of her house.

1.2.7 *Protect a natural feature of special interest, such as a vista or a geologic formation.*

The Forte property open space provides an elevated view into otherwise inaccessible areas of the Dolan Pond Conservation Area.

1.2.8 *Enhance public access (where access does not seriously threaten habitat), including handicapped access.*

The Forte open space greatly enhances the perceived public access to the Dolan Pond Conservation Area at the Webster Park entrance since it physically connects the Webster Park circle with the lower elevation entrance area. Due to the fact that the entrance shares a driveway with the property at 63-65

Webster Park, before the new improvements (stabilized soil pathway and information kiosk), visitors were often confused whether they were going onto someone's private driveway. Additional signage on the Forte open space would help to dispel that misperception.

While this proposal deals with the acquisition of the 76 Webster Park parcel, it is likely that a new trail would be developed eventually along the edge of the current Forte property providing an overlook into the wetland areas and looping to the back portion of the property.

A standard chipped trail could be accomplished even with volunteer efforts such as done by a scout troop (e.g. Isaac Carlen's Boy Scout Eagle Project at Norumbega Conservation Area). Driveway easements for pedestrian access to the trail the house portion could be incorporated.

The contours of the open space portion of the property would lend themselves to a possible handicapped accessible pathway on this upper trail. Funds for such provision would be sought in the future. There have already been a number of regular wheelchair users of the new handicapped accessible pathways at Dolan Pond. The nearby Barry L. Price Rehabilitation Center (38 Border Street, West Newton) provides adults with disabilities long term support and education to learn the necessary skills to enable them to live fully and actively participate in all aspects of their community. Some of their clients have recently taken advantage of the new accessible paths at Dolan Pond. It is important to realize that accessibility also helps those with strollers. The Dolan Pond area represents a good opportunity for outing for are programs such as those at nearby Newton Community Service Centers.

1.2.9 *Provide linkages and wildlife corridors between open spaces.*

The Forte open space abuts the extension of Webster Park that continues to the main entrance of Dolan Pond Conservation Area. To the casual observer, it appears to be a part of the conservation area. The Forte open space does serve as a green linkage corridor between the current Dolan Pond Conservation Area and "Webster Park", the green open space within the circle on the street Webster Park. Bird walks at Dolan Pond usually include looking in the trees (particularly oak trees) in Webster Park and in adjacent properties.

1.3 Community Housing Goals

The following are some of the community housing goals articulated in the Newton CPA Plan. These community housing goals were identified by the CPC, in consultation with the Newton Housing Partnership, the Newton Housing Authority and other organizations.

1.3.1 *Create community housing that is well designed, is of high quality and is based on sound planning principles.*

The existing single family home at 76 Webster Park was originally constructed as a high quality structure. Over the years, the home has fallen into disrepair and is badly in need of code upgrades and major restoration in interior as well as exterior elements. This work would be administered with NHA funds.

1.3.2 *Address one or more of the City's priority housing needs, such as those articulated in the City's Consolidated Housing Strategy Plan 2001-2005 and A Framework for Newton's Planning.*

The City's Consolidated Strategy and Plan FY2001-2005 identifies the need to provide affordable rental housing for low-income households.

"The lack of rental unite also affects Newton's lower income residents who cannot find affordable apartments and who pay a disproportionate amount of their income on rent" (Consolidated Plan p.111-4). In addition, The Framework Plan identifies the importance of utilizing the existing housing stock to meet affordable housing objectives.

1.3.3 *Help Newton reach the state mandate of having 10% of its housing stock as affordable to those at or below 80% of median income under MGL Chapter 40B.*

The project increases the City's low-income housing stock, helping the City reach the State mandated 10%. Currently, only about 5% of Newton's housing stock is considered affordable by the State.

1.3.4 *Keep new units affordable for the long term and in perpetuity where possible.*

The community housing units proposed here would be affordable in perpetuity. One of the difficulties with some of the existing stock of the affordable housing is that there are expiring leases, thus resulting potentially in a decrease in percentage of affordable units.

1.3.5 *Provide community housing opportunities for individuals whose residency in Newton would promote community services, such as Newton teachers and public safety workers and other city employees.*

Although the project would not specifically target employees of Newton's various community services, the targeted populations are low-income households and may include employees of community services.

1.3.6 *Help disperse community housing throughout the City by siting housing in neighborhoods that currently lack affordable housing.*

The NHA has affordable housing units generally dispersed throughout the City. The most recent acquisition was a single family home on the South side of the City. 76 Webster Park is located on the North side of the City.

1.3.7 *Reuse previously developed sites (including, potentially, remediated brownfield sites) for community housing with minimal effect on existing housing resources.*

76 Webster Park has been used a family residence since it was built in 1925. Its use as community housing will have no effect on existing housing resources. Any new units developed will also have no effect.

1.3.8 *Avoid displacement of current residents.*

The house at 76 Webster Park is not currently occupied and no displacement of current residents will occur.

1.4 *Historic Preservation Goals*

Below are listed some of the historic preservation goals from the Newton Community Preservation Plan partially addressed in this proposal.

1.4.1 *Support the preservation and restoration of privately-owned properties that are on the National or State Historic Registers, or that have been land marked or found to be "preferably preserved" by the Newton Historical Commission.*

The home at 76 Webster Park is approximately 78 years old and is situated within the Webster Park Historic District. The Newton History Museum at the Jackson Homestead was kind enough to provide documentation on this matter which is provided as an appendix in this proposal and provides a detailed history of the neighborhood. Webster Park is one of the most intact examples of an early residential subdivision built after the opening of the Boston and Worcester Railroad in 1834. Webster Park was originally laid out in 1844 by Alexander Wadsworth. It is surrounded by other historically significant structures, notably a collection of Gothic Revival cottages.

1.4.2 *Encourage protection of resources that retain their historic integrity, in terms of location, context, design, style, workmanship and materials.*

One considers age, style, and context when determining a house historic. Structures more than fifty years old can be architecturally significant because of the design or building type and/or because of historical association. The home at 76 Webster Park, a Craftsman / Colonial style building, is currently approximately 78 years old and is typical of houses of the 1920 era. The exterior fits in well with the historic character of the neighborhood. The house itself is solidly built but in need of some degree of rehabilitation (roof, plastering), modernization (bathroom / kitchen / electrical), and remediation (some lead paint removal, asbestos piping covering). But the interior retains a certain dignity of its era. The basic historic integrity of the building will be retained.

1.4.3 Support the objectives and priorities of local historic preservation organizations, such as the Newton Historical Society, the Jackson Homestead, local historic districts, and other such organizations within the City of Newton.

The Newton Historical Society was founded in 1953 as The Friends of the Jackson Homestead. In 1982, The Friends became the Newton Historical Society, and today play an essential role in a public/private partnership between the City of Newton and the community. The Newton History Museum at the Jackson Homestead is a valuable community resource for historic preservation. We appreciate the assistance of Susan Abele in helping to research the historical context of 76 Webster Park as part of the larger Webster Park Historic Neighborhood.

2. Community Need:

Why is this project needed?

Newton is in need of protection of open space, as discussed in the Community Preservation Plan. The Plan's Open Space section cites a need to "expand existing open spaces". It is useful to consider the alternative. If the land were sold for development (a course available to the estate if this acquisition does not take place), the lot could be developed to a high density. The exclusion of the existing City- owned space would be substantially diminished. This property would make an outstanding strategic addition to the Dolan Pond Conservation Area.

The Newton Housing Authority endeavors to provide safe, decent, and affordable housing to individuals and families who qualify for our programs. Currently, the City of Newton falls short of its requirement under State mandate MGL Chapter 40B, to achieve 10% affordable housing stock in Newton. Presently, the City is at approximately 5%, which is woefully low.

3. Community Support:

What is the nature and level of support for this project? [Include letters of support]

This proposal has support from a broad spectrum of the Newton community, both organizations and individuals. Letters of support from are provided in the appendix.

Friends of Dolan Pond is an organization begun over four years ago to advocate for the protection and preservation of the Dolan Pond Conservation Area in cooperation with the Newton Conservation Commission and Environmental Planner and with the Newton Conservators.

They have organized nature walks, cleanups, helped coordinate volunteer efforts, and provided a means of communication about Dolan Pond to the neighborhood and the broader Newton Community. They maintain a website, www.dolanpond.org, and publish an email newsletter *Dolan Pond News*, now in its 4th year of publication. In addition, the publication has been posted on clipboard at entrances to the area and soon in the protected information kiosks.

Friends of Dolan Pond has sponsored two neighborhood meetings to discuss this proposal with the neighborhood, particularly those who live on Webster Park. Mr. Harvey Epstein of the NHA was present to answer questions at the second of these meetings. There have been some advocates of housing alternatives involving ownership. In general, those in the immediate neighborhood are in favor of the open space provisions but there is some concern over the number of units proposed. There is a preference by those in the neighborhood for one rather than two additional units on the Forte property. The NHA commissioned a very quick architectural rendering of what additional units might look like (top view). This rendering was completed in time for inclusion in this proposal but, due to time constraints, the design may not accurately reflect some important issues, e.g. location of parking relative to trees, etc. A meeting is scheduled for May 19 to review this proposal with the Dolan Pond community.

4. Timeline:

What is the schedule for project implementation, including a timeline for all critical elements.

For this land acquisition to take place it must happen quickly. The letter of intent provided by the executor in the appendix outlines terms of sale with a very strict timeline. It depends on a fast decision on whether to fund this project or not by both the CPC and the Board of Aldermen. An excerpt is given below of the letter of intent.

This will confirm our conversation this morning in which I said that my great aunt's estate would be prepared to sell the Conservators (or its designee) the subject property, as is, for a price of \$1,100,000 with a closing date not later than September 17, 2003, subject to the following conditions:

- (1) not later than May 23 you obtain a written appraisal supporting the proposed purchase price;*
- (2) not later than June 9 the Community Preservation Committee approves for submission to the Board of Alderman a completed Community Preservation Act proposal for purchase and development of the property, one that contemplates preserving a significant portion of the parcel as open space and a significant number of the existing trees in that open space;*
- (3) not later than August 11 your proposal is approved by the Board of Alderman; and*
- (4) you provide me with regular interim reports indicating satisfactory progress (based on your e-mail to me of May 2 outlining the process of obtaining necessary approvals and final appropriation of funds) towards achieving a closing not later than September 17, 2003.*

These are the dates outlined in the memo of May 2 referred to:

Wednesday May 14

Monthly Meeting of the Community Preservation Committee - Our CPA proposal will be distributed for review by committee members

May 15 - June 6

CPC Staff review of the proposal by Jennifer Goldson

Monday, June 9 or prior (Wed. June 4, likely date)

The CPC normally would meet on Wednesday, June 11. However, due to the need for a presentation and vote on the proposal prior to June 10 for docketing to the Board of Aldermen, it is anticipated that there would be an earlier meeting called to consider this proposal. At this meeting would be the formal presentation, public comment, questions by the CPC and hopefully vote on the proposal.

Tuesday, June 10

If favorably voted upon by the CPC, the item would be added to agenda (docketed) for the Board of Aldermen meeting to be held on Monday, June 16.

Monday, June 16

The Board of Aldermen would be expected to send the docketed item of our proposal out for review by the Aldermanic CPA Ad Hoc Committee and also to the Finance Committee.

Tuesday, June 17 - June 20

The Aldermanic Ad Hoc Committee will agree to meet to consider the proposal if recommended by the CPC

Monday, June 23

The Aldermanic Finance Committee will meet and consider the proposal.

Tuesday, July 8

If favorably reviewed by the Ad Hoc and Finance Committees, an item would docketed for the summer monthly meeting of the Board of Aldermen on Monday, July 14.

Monday, July 14

Meeting of the Board of Aldermen (monthly in the summer). At this meeting, the full Board will have

reviewed the proposal and may have questions. At this point they have the option of sending it back to committee for clarifying certain points, for delaying discussion until the following month's meeting, or for voting on the proposal.

Monday, August 4

This is the earliest day the Mayor could sign the appropriation if passed by the Board of Aldermen on July 14. Funds for the proposal amount would be available at this point.

Monday, August 11

Meeting of the Board of Aldermen (monthly in the summer). This may be the meeting most likely for final approval of the proposal. If voted upon favorably, the mayor can sign the appropriation in 20 days.

Monday, September 1

This is the earliest day the Mayor could sign the appropriation if passed by the Board of Aldermen on August 11. Funds for the proposal amount would be available at this point.

Any housing component would involve the following: Immediate implementation of architectural design services. Review design plans with neighborhood input. Utilize the bid process for hiring DCAM certified contractors for various phases of project, beginning with restoration of single family home. Plans would include the second phase of additional two family units to be built abutting the existing home. Generally...beginning the project to completion, the time frame is estimated at 6 – 8 months, depending on seasonality.

5. Credentials:

How will the experience of the applicant contribute to the success of this project?

The three cosponsors, Newton Conservators, Inc., Newton Conservation Commission, and the Newton Housing Authority, are premier organizations which deal with open space and community housing in the City of Newton. Further background on these organizations is provided below. Basically, the goals of the project are encompassed in the mission of the organizations involved.

5.1 Newton Conservators, Inc.

The Newton Conservators are a non profit citizens group that advocates for Newton's open spaces. Since its founding in 1961, they have helped preserve over 200 acres of open space and created several major parks for public enjoyment. With membership from all over Newton and beyond, the Newton Conservators are a force for the proper use and protection of parks, playgrounds, conservation areas, ponds, and streams in Newton. They have also helped enact ground-breaking environmental ordinances for protection of wetlands, clean air, energy conservation, road salt limits and tree preservation. They also lead walks through conservation areas and give grants for environmental study in the schools.

Mission

The Newton Conservators, Inc. is a local organization that promotes the protection and preservation of natural areas, including parks, park lands, playgrounds, forests and streams, which are open or may be converted to open spaces for the enjoyment and benefit of the people of the City of Newton, Massachusetts for scientific study, education, and recreation. It further aims to disseminate information about these and other environmental matters. A primary goal is to foster the acquisition of land and other facilities to be used for the encouragement of scientific, recreational, educational, literary and the other public pursuits that will promote good citizenship and the general welfare in the City of Newton.

Newton Conservators, Inc.
PO Box 590011
Newton, MA 02459
617-969-6222

Email: dolanpond@aol.com

Website: www.newtonconservators.org

Contact:

Ted Kuklinski
Board Member, Open Space Committee
Email: dolanpond@aol.com
Phone: 617-332-7753, 617-969-6222 (voice/fax)

5.2 Newton Conservation Commission

The Newton Conservation Commission manages over 250 acres of conservation land in Newton and holds monthly meetings for the purpose of regulating environmentally related matters in Newton.

Mission

- To administer the Wetlands Protection Act (MGL Ch. 131, s. 40), the Wetlands Regulations (310 CMR 10.00) and the City of Newton Floodplain Ordinance 22-22 to preserve and protect Newton's wetlands and floodplains.
- To acquire properties for the preservation of open space and wildlife protection, to maintain all Conservation Areas in a sound manner, to make the areas accessible to the public and to educate the public about open space issues.

Newton Conservation Commission
Planning Department
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02xxx

Website: <http://www.ci.newton.ma.us/Planning/cityplcc.htm>

List of properties: <http://www.ci.newton.ma.us/Planning/Conservation/conservation.pdf>

Contact:

Martha J. Aherin Horn, Environmental Planner
Email: MHorn@ci.newton.ma.us
Phone: 617-796-1134

5.3 Newton Housing Authority

Since 1959, the Newton Housing Authority(NHA) has been intimately involved in every phase of affordable housing development. This has included new construction, large and small scale renovation, and restoration and maintenance of existing properties. The NHA is experienced in dealing with architects, the bid process, and selection of DCAM certified tradesmen...who also adhere to qualifying prevailing wage mandates.

The NHA is extremely proud and grateful to the people who work for the Newton Housing Authority. Through their tireless efforts, we have consistently maintained the level of excellence that has allowed our Authority to receive national recognition from the U.S. Department of Housing and Urban Development. It is their mandate to treat our residents with dignity, caring, and to give them a sense of community.

Mission

- The Newton Housing Authority has a responsibility to provide and maintain a high standard of housing, which allows our residents a safe, clean, and affordable home in which to reside.
- The Newton Housing Authority will also endeavor to create a sense of community for its residents through its social service programs, so as to enhance their quality of life within an environment of caring and dignity.

Newton Housing Authority
82 Lincoln Street
Newton Highlands, MA 02461
Phone: 617-964-8080
Fax: 617-964-8387
TDD: 617-964-1741
Website: www.newtonhousingauthority.org

Contact:

Jonathan L. Hacker, Executive Director
Email: jlacker@newtonhousing.org
Phone: 617-964-8080

Jonathan L. Hacker

6. Success Factors:

How will the success of this project be measured? Be as specific as possible.

The project will be successful if we can get to the point of purchasing the property at 76 Webster Park within the limited time frame set by the Forte Estate.

As with any park area, success is measured by the number of people that use the facility in a proper manner. Enhancing the main entrance to Dolan Pond with more visitor options and more visibility should lead to more satisfied users of the area who will come back again and again. Such users will consider it "their area" and tend to care for it more and participate in activities related to it.

The success of this project for community housing is quite tangible. To provide quality affordable housing at 76 Webster Park for up to three, income eligible families taken from the Newton Housing Authority's State 705 waiting list would be a level of success in meeting the mandated 10% affordable housing goal.

7. Budget:

What is the total budget for the project and how will CPA funds be spent? All items of expenditure must be clearly identified.

CPA funding of \$1,110,000 would be used by the Newton Conservators to acquire the land (50,000SF) and home at 76 Webster Park from the Estate of Irene Forté. The cost of the property itself would be \$1,100,00. An additional amount of up to \$10,000 is requested to cover the cost of title examination, recording fee, 21E, independent survey, legal fees, and appraisal. Any funds not used would be turned back to the CPC.

The Newton Conservators have allocated an amount of up to \$3,000 available immediately for the purpose of having an appraisal commissioned by the CPC. A letter to this effect was sent to Jennifer Goldson, CPA planner, and she has contacted four firms asking them to bid and whether they could meet the May 23 deadline established by the estate. If the project is approved, we would request reimbursement of the amount of the appraisal from the \$10,000 budgeted.

8. Other Funding:

What additional funding sources are available, committed or under consideration? Include commitment letters, if available, and describe any other attempts to secure funding for this project.

No other funding for open space acquisition is likely available. Prior to the CPA, the city's ordinary budget has been able to fund only limited open space acquisition in the past 15 years. The Newton Conservators were strong advocates in passing the CPA for this reason.

The Newton Housing Authority would use funds it has received through the 10% Inclusionary Zoning Ordinance to renovate the existing single family home...and construct two additional affordable housing

units on land abutting the house. The Newton Housing Authority will budget approximately \$500,000 of its funds for this purpose.

9. Maintenance:

If ongoing maintenance is required for your project, how will it be funded?

To maintain all Conservation Areas in a sound manner is one of the components of the mission statement of the Newton Conservation Commission. Conservation Area open space maintenance is done under contract to the Newton Conservation Commission. The firm of John Menard currently has the contract for the maintenance of the Dolan Pond Conservation Area. Funding is by budget allotment. By special permission with the Commission, volunteer groups, with appropriate waiver forms, participate in cleanups, trail maintenance or special projects in our conservation areas.

The NHA routinely maintains the general, day-to-day aspects of building and infrastructure throughout its developments. The NHA utilizes its own permanent staff, or seeks outside contractors when required. NHA has an in-house staff of seven people, supervised by Mr. Juan Saez. Residents are encouraged to participate in the maintenance of the property by means of cutting the grass, etc.

ADDITIONAL INFORMATION

10. Control:

Documentation that the applicant has control over the site, via Purchase and Sale Agreement or deed.

The Newton Conservators would secure this site by agreement with the estate of Irene Forté. Mr. Donald Forté, the executor of the estate, has provided a letter indicating his intentions to sell the property to the Newton Conservator's providing certain conditions are met:

"This will confirm our conversation this morning in which I said that my great aunt's estate would be prepared to sell the Conservators (or its designee) the subject property, as is, for a price of \$1,100,000 with a closing date not later than September 17, 2003, subject to the following conditions: ..."

A copy of the letter is provided in the appendix.

11. Zoning:

Evidence that the project does not violate any zoning ordinance of the City of Newton.

The property is currently zoned at MR1 and contains a single family house of 1741 square feet on a property of 49,974 square feet. The property has 91 feet of frontage. The property meets current zoning requirements.

Please refer to the appendix containing the property information from the Assessor's database. A site plan provided by the city Engineering Department to Martha Horn, Senior Environmental Planner is also included. A survey of the property has been requested by Martha Horn, Environmental Planner for Newton from Mr. Gene McGillicuddy, Survey Chief for the city. This survey is expected to be completed within two weeks. A copy of the deed to the property had also been requested of the Assessor's office. The city did not have a copy in their records and a request was generated to the city's Legal Department to obtain relevant documents from the Registry of Deeds.

After the property acquisition phase proposed here, additional work would need to be done in terms of subdividing the property into open space and housing portions. By right, an additional unit could be added to the existing structure provided zoning requirements were met. For more than a single attached unit, a special permit would be required. The lot size is very large. The design of any additional unit or units is still to be determined subject to zoning requirements, desired square footage, etc. There would be a phase where the plans would be presented to the neighborhood for discussion and comment. Any final subdivision of the property would depend on the unit design and parking requirements for zoning. Any design would reflect the desire of the estate to preserve open space and existing trees.

It is useful to consider what this lot might support in terms of more intense development. The minimum lot size in the MR-1 zone is 10,000 square feet, with a requirement of a minimum of 80' frontage. There is

enough frontage at the Forte property to allow two lots. The zone allows two-family houses by right. Four dwelling units on the two lots could be created by right. The zoning allows additional dwelling units on a lot, with a special permit process. The zoning allows one dwelling unit for each 5,000 square feet of land. This parcel has 49,974 square feet. A developer could potentially get nine units with a special permit (49,974 divided by 5,000 equals 9+ units).

12. Hazardous Materials:

Evidence that the proposed site is free of hazardous materials or that there is a plan for remediation in place.

The site has existed as a single family residence since 1925 and as private open space. The property has mature trees on it. Irene Forte lived in the house since 1925 and passed away this year at the age of 104 years old. A survey of the property has been requested by Martha Horn, Senior Environmental Planner for Newton. The sponsors would secure documentation of environmental conditions before actual exercise of the purchase.

The heating system in the house is currently gas based. Any previous oil tank has been removed. The Newton Housing Authority is required to remove asbestos and de-lead the premises. The NHA works closely with the City of Newton Health Department to assure that all safety measures are adhered to. Additionally, three members of the NHA staff are certified in "low risk" lead paint removal. Before any construction that is performed after the land acquisition under this proposal, testing would be performed.

13. Professional Standards:

Evidence that appropriate professional standards will be followed if construction, restoration or rehabilitation is proposed.

The role of Newton Conservation Commission is to ensure that appropriate standards and relevant rules and regulations are followed. Part of their mission is to administer the Wetlands Protection Act (MGL Ch. 131, s. 40), the Wetlands Regulations (310 CMR 10.00) and the City of Newton Floodplain Ordinance 22-22 to preserve and protect Newton's wetlands and floodplains.

The NHA is required to meet federal standards (CITE) in any construction or rehabilitation projects. As in all projects of this type, the NHA is required by State law to hire only DCAM certified contractors. (Division of Capital Asset Management) as defined by the Commonwealth standards. Additionally, these contractors must adhere to prevailing wage laws for our region.

14. Leveraging:

Information indicating how this project can be leveraged or replicated to achieve additional community benefits.

This project can serve as a model for other CPA applications for other properties that would combine the goals of open space, community housing, and preservation. This is only project to date that attempts to combine these focus areas of the Community Preservation Act.

This project achieves multiple community benefits to the City of Newton which could be duplicated elsewhere under the appropriate circumstance: the preservation of privately owned open space, achieving additional affordable housing units in perpetuity, and the restoration of structures in neighborhoods with historical value.