



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development

**REQUEST FOR INTEREST**

*Kessler Woods*

28 March 2003

**INTRODUCTION**

The City of Newton is seeking expressions of interest from individuals or developers to explore a partnership with the City to submit a bid to NSTAR by June 20, 2003 for the acquisition of land known as Kessler Woods. Kessler Woods is a tract of over 42 acres of open land in the southeast corner of Newton (on the Brookline and West Roxbury borders) with frontage on LaGrange, Vine, and Brookline Streets. Vine Street separates the NSTAR land into two parcels referred to as the "north" and "south" parcels. Insignia/ESG, Inc. has issued a request for bids, on behalf of NSTAR, the owner of this land, with a submission deadline of June 20, 2003. Insignia/ESG, Inc. has announced that bids cannot be contingent on receipt of any state or local permits, change of use, subdivision approvals or similar approvals, and the full purchase price must be paid at the delivery of the deed (scheduled for October 10, 2003). More information regarding the bid process and deadlines is found at <http://www.lagrangelandsale.com/>.

**RESPONSES TO THIS REQUEST FOR INTEREST (RFI) ARE DUE TO THE CITY BY 2PM, MONDAY APRIL 14, 2003.**

**DEVELOPMENT OPPORTUNITY**

This RFI provides a unique opportunity for an individual or developer to express interest in joining with the City of Newton to devise the best possible project for this land consistent with the following City Goals:

1. Maximize open space conservation and the protection of wildlife habitat, with special consideration given to proposals that expand and connect existing Newton Conservation Commission lands;
2. Protect environmentally sensitive site features;
3. Preserve open space vistas/view sheds;
4. Enable passive recreation opportunities and connection to existing conservation areas (see discussion under Development Site, below);
5. Respect and enhance quality of life and neighborhood character, including consideration of the relationship of any development to nearby structures in terms of major design elements;
6. Minimize development impacts on existing single-family neighborhoods and provide buffer areas between proposals that include densities higher than the single-family residences that predominately surround the site; and
7. Create appropriately scaled, community housing in the context of a site that is predominately left open for conservation and passive recreation purposes.

The City of Newton adopted the Community Preservation Act (CPA) in November 2001 and has established the Community Preservation Committee (CPC). The CPC adopted a Community Preservation Plan in October 2002 that can be downloaded from the City's website at [www.ci.newton.ma.us](http://www.ci.newton.ma.us) (go to Community Preservation Committee under "Top News Stories for this Week"). In March 2003, the City funded planning and appraisal studies of the Kessler Woods site using CPA funds. The CPC is prepared to consider applications for CPA funding and to recommend a significant investment of CPA funds in a joint venture development of this land that complies with the above-mentioned City Goals.

The City of Newton is working with Sasaki Associates, Inc., a land planning firm, to consider development options and conceptual site plans for preserving all or parts of Kessler Woods. Sasaki has evaluated the Preliminary Plan of Subdivision for 68 lots that was filed with the City of Newton (and currently before the Board of Survey) by the Boston Edison Company (NSTAR) in January 2003 (see <http://www.lagrangelandsale.com/>). Sasaki's general

evaluation of that plan indicates that approximately 25 to 32 of the lots shown may not be buildable due to the site's environmental constraints and special permit requirements (described below under "Development Site").

Attached to this RFI are a series of maps and plans (figures 1-8) prepared by Sasaki Associates, including existing site constraints, potential development areas, and site accommodation studies, which look at other possible development scenarios (other than a subdivision). The site constraints analysis was prepared based on the best information available at the time and is intended to be used for planning purposes only. The City of Newton makes no claim as to the accuracy or thoroughness of these preliminary site constraint studies.

The City of Newton is not currently endorsing any one of the conceptual development schemes depicted through the site accommodation study (figures 4-8 attached). Due to the accelerated timeline for submission of a bid to NSTAR, a community process to solicit neighborhood input is running parallel to the release of this RFI. Therefore, the conceptual schemes have been included with this RFI simply as a tool to communicate the studies and ideas generated through the preliminary site planning process, but do not indicate community preferences or priorities. In addition, the site accommodation study does not take current zoning regulations into consideration. Any development of this land will be subject to zoning and all other applicable local development controls. The City's Zoning Ordinance and other local development controls are available on the City of Newton website at [www.ci.newton.ma.us](http://www.ci.newton.ma.us).

## **DEVELOPMENT SITE**

Kessler Woods is over 42 acres of open land with frontage on Vine, Lagrange, and Brookline Streets. This land is a high conservation priority identified in the City's *Recreation and Open Space Plan* due to its environmentally sensitive features that include: a substantial amount of wetland and floodplain, some of which are additionally constrained by a Wetland Restriction Order; Saw Mill Brook with Riverfront Area designation; a locally-rare vegetative community; and a significant amount of diverse wildlife habitat. In addition, these parcels are located adjacent to two existing Conservation Areas owned by the Newton Conservation Commission. The north parcel abuts the Baldpate Meadow Conservation Area, a wetland/floodplain parcel managed for the benefit of wildlife due to its inaccessibility and wetland characteristics. The south parcel cuts through the Saw Mill Brook Conservation Area, which is managed for passive recreation. The existing trail runs through upland areas on all three parcels along the Brook. Wildlife studies were conducted in the late 1990s and are available for review at the Newton Planning and Development Department.

## **Utilities**

### ***Wastewater System Capacity***

The City of Newton's existing wastewater collection system suffers from sewerage capacity problems in this area, mostly due to identified excess Infiltration/Inflow. All wastewater collected in this area flows into the Massachusetts Water Resources Authority's (MWRA) Upper Neponset Valley Sewer system, which also suffers from capacity problems. Surcharging and overflow of the sewer system takes place during precipitation events of less than the design storm event and the design storm flows exceed the existing capacity by as much as 231% in the Newton segment. The MWRA has recognized this issue, and intends to construct the Upper Neponset Valley Relief Sewer system, which will bring the MWRA sewer system capacity to levels slightly greater than the projected future 2025 design flows. Construction is expected to be completed by late 2006. (Ref: MWRA Upper Neponset Valley Relief Sewer Phase III Report, Final Environmental Impact Report, February 2003, EOE No. 11928, by Fay, Spofford and Thorndike).

Utilizing MWRA I/I Local Financial Assistance Program funding, the City of Newton intends to reduce infiltration and inflow into the local sewer system in this area, with a program to reduce private inflow from sump pumps and roof leaders from residences, and redirect to either groundwater sources or the storm drainage system. Cleaning and lining of main interceptors is also being considered.

In addition, based on his review of the preliminary subdivision plans for the Kessler Woods site filed with the City, the Commissioner of Health issued a letter on February 20, 2003 expressing grave concerns about the impact of development of this site on the discharge of sewage into the environment. The letter states "(t)his issue must be resolved in order to obtain approval by the Newton Health Department of the definitive subdivision plan."

### ***Stormwater System Capacity***

A Kessler Woods development would be subject to the requirements of the upcoming NPDES Stormwater Discharge Permit. This includes using Best Management Practices for detention and runoff of storm water. Parts of Newton's storm drainage system, including stormwater in the Kessler Woods area, and stormwater sheet flow from St Joseph's Cemetery discharge into Saw Mill Brook at some locations. During certain storm events, Saw Mill Brook in Newton surcharges and overflows its banks. Parts of the City of Newton's storm drainage system that discharges into the Brook also surcharge and overflow during these storm events, resulting in street flooding and stormwater entering some residential homes in Newton and causing property damage. Observations of Saw Mill Brook in the Newton area and road culvert in St. Joseph's Cemetery indicate sediment build-up in the drainage channel over the years. This sediment reduces the ability of Newton's storm drainage system to effectively discharge into the brook. This flooding problem is recognized as a regional problem and needs a regional solution. Therefore, there will be a need to partner with other communities and entities to solve the problem.

### ***Water System Capacity***

The City of Newton continues to improve its water distribution system, utilizing MWRA Local Pipeline Assistance funds for cleaning and lining of mains 8" diameter and greater, and replacing mains less than 8" diameter with larger diameter pipe. A Kessler Woods development would need to determine required fire flows and pressures in this area, and determine whether the existing water distribution system can deliver the required water flows and pressures. Cleaning, lining and /or replacement of mains may be necessary in this area.

### **Zoning**

Any development of the Kessler Woods site will be subject to the City's zoning requirements. Each respondent is responsible for verifying and interpreting zoning requirements. The 33.7± acre north parcel (assessor's id #820370003) is zoned primarily for Single Residence 3 (SR3). A small portion of the north parcel with frontage on Vine Street and the 9.4± acre south parcel (assessor's id #820410022) is zoned Single Residence 2 (SR2). After an initial review of properties, it has been surmised that *approximately* 12.8 acres of the north site and 2.4 acres of the south site are fully constrained due to floodplain, wetlands, easements, and an inner-Riparian Zone (see figures 2-3).

Under current zoning, these parcels could be developed, by right, with single-family lots. The minimum lot area is 10,000 sq. ft. in the SR3 District (north parcel) and 15,000 sq. ft. in the SR2 District (south parcel). By Special Permit, either or both parcels could be developed with Single Family Attached Dwellings or with Single-Family Detached Dwellings, in an *Open Space Preservation Development* (a.k.a. *cluster*) since both parcels are larger than the minimum 5 acres. In a Single Residence 2 District, the minimum lot area/dwelling for attached housing is 15,000 sq. ft., and for *cluster*-detached housing, 10,000 sq. ft. In a Single Residence 3 District, the minimum lot area/dwelling is 10,000 sq. ft. for attached dwellings and 7,000 sq. ft. for *cluster*-detached housing. Per Section 30-15(k), for each dwelling, an area equal to the differential between the *by-right* minimum lot area, and the reduced minimum lot area must be set-aside as permanent open space.

Given the topography of the site, certain lots or areas of the site may require an alteration of the grade of more than 3 ft.; this would require approval from the Board of Aldermen through the special permit process. Any proposed development alternative that may require a change in zoning would also need approval from the Board of Aldermen.

In addition, whenever a Special Permit seeks to increase the density of residential development on a site, Section 30-24(f) of the City's Zoning Ordinance requires that a certain number of affordable housing units be included (so called 10% Ordinance).

Because the planning process thus far has reflected the potential for greater open space protection through alternative housing types and site plan designs, the City will consider responses that are not in strict compliance with current zoning requirements but are consistent with City Goals as listed above. **If zoning relief or a zoning amendment is necessary, the applicant would be required to follow the standard zoning review procedures; the City cannot guarantee the outcome of any application for zoning relief. In addition, due to time constraints necessitated by**

**the bid submission deadline, any necessary zoning reviews or other permitting reviews would occur subsequent to completion of the bidding process.**

### **Subdivision Control Law**

All subdivisions will be reviewed in strict accordance with the "Rules and Regulations of the Planning Board Acting as a Board of Survey" (MGL Chapter 41, Sections 81K-81GG), which can be obtained from the Engineering Division of the Public Works Department in Newton City Hall. A definitive subdivision submittal would be accompanied by the following studies: 1. Hydraulic (water) Study, 2. Hydraulic (sanitary) Study, 3. Stormwater Management Plan (to include both quantity and quality), and 4. Transportation Impact Study.

### **Other City Ordinances**

Development of the property will require a filing before the Newton Conservation Commission for those portions of the land that fall under the Wetlands Protection Act (MGL Chapter 131, Section 40), the Wetlands Regulations (310 CMR 10.00), and the City of Newton Floodplain & Watershed Protection Ordinance #22-22.

In addition, any removal of protected trees as defined under the City's Tree Preservation Ordinance (Newton Ordinances S. 20-31 - 20-39) will require a tree removal permit or a certificate of exemption from the tree warden and may also require replacement trees.

### **AREA CHARACTERISTICS**

The City of Newton is located approximately six miles west of downtown Boston in eastern Massachusetts. Newton's population, which peaked at 92,384 in the 1960s, was 83,829 at the time of the 2000 U.S. Census. The median age in 2000 was 38.7, compared to 35.7 in 1990. The total minority population (non-Caucasian) in Newton has increased over the last thirty years from 5.7 percent in 1980 to 11.9 percent in 1999. The fastest growing race category was the Asian category, increasing from 1,697 persons in 1980 to 6,434 in 2000.

This NSTAR land is located in the Oak Hill neighborhood, in the southeastern tip of Newton near the Town of Brookline and West Roxbury (City of Boston) borders. It is located in Census Tract 3739, Block Group 1. According to the 2000 U.S. Census, the population of the block group is 3,018, of which, 2,643 were white, 124 were black, 13 were American Indian/Alaskan Native, 182 were Asian, 8 were some other race alone, and 48 were two or more races. There were a total of 1,307 households, with a median household income of \$83,135. There were 162 persons living below the poverty level. There were 1,422 housing units, of which 1,029 are owner-occupied and 303 are renter occupied.

The site is approximately one mile from the MBTA Bus #52 route that runs between the Dedham Mall and Watertown Square and approximately 1.5 miles from the Highland MBTA Commuter Rail stop in West Roxbury that provides service to Downtown Boston. The site is located in the Memorial-Spaulding Elementary School district, Oak Hill Middle School district, and the Newton South High School district.

### **DEVELOPMENT TEAM QUALIFICATIONS**

Responses to this RFI may include any individual, entity, or joint venture with interest in developing one or more of the areas indicated in the Sasaki Associates site accommodation studies (figures 4-8), including, but not limited to, individuals, and for-profit and non-profit developers, institutions, businesses, or organizations. In general, the development entity must be able to assemble a team that can address complex issues relating to open space conservation, preservation of neighborhood character and quality of life, community housing, and financing. The team must include the professionals necessary to carry out a development project of this scale involving intense community interest and involvement. The City of Newton may choose one or more partners in its bid for this NSTAR land.

## **SUBMISSION REQUIREMENTS**

- 1) Individual/Developer name, mailing address, contact name, telephone and fax numbers, and email address**
- 2) Qualification Statement**
  - a) Describe the composition and structure of the Development Team, including the developer, architect, lawyer, engineer, and any other firms and professionals who will be part of the team.
  - b) Describe the qualifications of the Development Team as they relate directly to developing housing that maximizes open space conservation and preserves and enhances neighborhood character.
  - c) For the Developer: Describe the prior experience of the principals and key staff assigned to the project, including the project manager, in structuring and implementing housing projects that integrate open space conservation and include a community review process.
- 3) Comparable Projects & References**
  - a) Provide a description of similar projects completed, under construction, or planned within the past 5 years, listing location, size, ownership entity, income groups served, development costs, current status, and contact name and telephone number.
  - b) Describe the relevant experience of the other members of the development team (e.g., architect, lawyer, engineers, etc) and the staff assigned to this project.
- 4) Development Approach**
  - a) Describe which, if any, of the conceptual development schemes attached (figures 4-8) most closely matches your development approach and why. Also, describe any differences between your development approach and the schemes, including differences in housing type, density, siting of development, amount of protected open space, and community benefits.
  - b) If none of the schemes match your development approach, then please submit a written description and **conceptual site plans** describing your approach to land conservation and development at this site including: possible housing types, density range, siting of development, approximate amount of protected open space, and community benefits.
  - c) Legal & ownership structure: Describe proposed ownership structure of potential development and open space.
- 5) Credit Worthiness (*Please submit in a separate envelope marked "Financial Statements"*)**
  - a) Provide evidence of the individual/development entity's financial capacity to undertake development of any or all of this NSTAR land. At a minimum the information supplied must include a summary statement of current assets and liabilities and a summary statement of income and expenses for the previous fiscal year. Audited or certified financial statements are not required at this time.

### **PLEASE SUBMIT RESPONSES TO THIS RFI NO LATER THAN 2PM, MONDAY APRIL 14, 2003 TO:**

Jennifer M. Goldson, AICP, Community Preservation Planner  
City of Newton  
Planning and Development Department  
1000 Commonwealth Avenue  
Newton, MA 02459  
PHONE: 617-796-1131; FAX: 617-796-1142

## **EVALUATION CRITERIA**

The City will evaluate the responses to the RFI based upon information contained in the submitted responses, the City's internal review, and any oral presentations and interviews. The City reserves the right to request additional information of any and all respondents in writing and to use that information in evaluating the responses. The criteria to be used in evaluating the responses includes the following:

1. Complete application that conforms with all submission requirements
2. Development approach complies with all or nearly all of the City Goals
3. Quality of individual/development team
4. Relevancy of experience
5. Adequate credit worthiness

## **SUBSEQUENT STEPS**

Subsequent steps of the developer designation process to follow this RFI will be based on the number, nature, and quality of the responses. The City of Newton reserves the right to issue a request for proposals to all interested parties or to RFI respondents only, to discontinue the developer designation process, or to take such other action as it deems appropriate. Failure to respond to this RFI may preclude consideration in future stages of the designation process.

At the City's discretion, oral presentations and interviews may be scheduled with all respondents, some respondents, or none. If interviews are held, respondents will be contacted by the City with dates, times, and locations.

Based on the written responses, internal review, interviews, and community comments, the City may select one or more development partners to submit a bid to NSTAR by June 20, 2003 for the acquisition of this land. The City reserves the right to select finalists, to enter into negotiations with one or more respondents, or to reject any or all proposals.

*Please Note: The City has made every effort to provide accurate information and important summary information about the project, including site characteristics and development controls. However, such information is not exhaustive and other factors may be relevant. Interested individuals/developers are urged to carry out their own review and investigation.*

*Confidentiality: To the extent permitted under the Massachusetts Public Records law, the City of Newton intends to keep confidential the submissions received in response to this request. The City intends to carry out discussions and public meetings in a manner that will not compromise the effectiveness of submitting a competitive bid(s) to NSTAR. However, the submissions and records of meetings are likely to become public at some point subsequent to NSTAR's publication of the outcome of its bid.*