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City of Newton



City of Newton, Massachusetts Community Preservation Committee

MEMORANDUM

David B. Cohen
Mayor

Confidential as part of bidding process for the property in 2003. Considered a public document once the property was acquired.

TO: Honorable Board of Aldermen
FROM: Community Preservation Committee (CPC)
DATE: 14 May 2003
RE: **CPC Recommendations for CPA Funding**

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PROJECT TITLE: KESSELER WOODS

CPA CATEGORY: Open Space and Recreation

PROJECT DESCRIPTION

The applicant, the City of Newton's Executive Department and the Planning & Development Department, request CPA funding of up to \$5,000,000 for a proposal to preserve up to 30 acres of the Kessler Woods property. Kessler Woods is a tract of more than 42 acres of unprotected open space in Newton. The land is currently owned by the Boston Edison Company (*NSTAR*) and includes two (2) parcels of land at LaGrange and Vine Streets, in the southeast corner of the City. The north parcel contains more than 33 acres and the south parcel contains nearly 9 acres. The land is currently zoned single-family residential.

Boston Edison has offered this land in a sealed bid auction to the highest bidder. Insignia ESG, Edison's real estate broker, has extended their "call for offers" date from February 21 to June 20, 2003 to allow time for all interested parties to better formulate a "conforming bid." In Insignia's letter to prospective bidders, the offering conditions require that the full purchase price be paid on October 10, 2003. It states that bids involving any delayed payments or other contingencies will be considered nonconforming.

The City intends to submit a bid to Boston Edison for acquisition of the property. In order to assemble a competitive bid, the City is exploring a potential co-bid with a development firm to pursue housing on a portion of the 42-acre site, leaving the remainder of the site open.

The City of Newton released a Request for Interest (RFI) on March 28 to seek expressions of interest from individuals or developers to explore the potential to submit a co-bid to Boston Edison for acquisition of the land. On April 14, nine complete responses to the RFI were received. The Mayor and his working group reviewed and evaluated the proposals, held a public meeting on May 6, and interviewed and negotiated with many of the respondents. During the following week, the Mayor selected a development partner.

Through this process and in response to the Community Preservation Committee's request to increasing the number of affordable units, a preferred conceptual site plan (as revised on May 14, after submission of the May 12 application) emerged as follows (refer to attached map to locate Areas 1-4):

OPEN SPACE COMPONENT

Area 3 (corner of Vine and LaGrange Streets): Open Space, owned by the City, under the control of the Conservation Commission.

Area 4 (the South Parcel): Open Space, owned by the City, under the control of the Conservation Commission and likely to be merged with the existing Saw Mill Brook Conservation Area.

Environmentally Constrained Area (approximately 35% of entire site): Open Space possibly protected through a conservation easement or restriction (held by the City, Conservation Commission) with an option to purchase for nominal consideration.

HOUSING COMPONENT

Area 1 (Brookline Street, 6.8 acres): 7 (or 8) single-family houses including 6 along the existing road frontage (ANR lots) and 1 or 2 rear lot subdivisions with common driveways. A conservation easement (to be held by the City) would be located on the rear developable acreage (up to 5 acres, depending on lot size).

Area 2 (LaGrange Street, 11.3 acres): 56 (or 55) multi-family units on Area 2 that are housed in multiple buildings with the general appearance and massing of single-family houses with approximately 2-4 units in each building. Units in Area 2 include a minimum of 11 affordable units. The plan would likely include a loop road, individual driveways with garages incorporated within the buildings to minimize surface parking, and a significant landscaped buffer along the northern edge abutting existing single family houses.

The development of the housing portion on Area 2 would require a special permit and, depending on the final site plan, some of the development on Area 1 may require a special permit. In the event that the special permits required are not forthcoming, while Areas 3-4 will still be preserved as open space, the remainder of Area 1 may be subject to development, and some of the environmentally regulated areas, although unbuildable, may form part of some of the lots on Area 2. However, under these circumstances, the City would seek to obtain a conservation easement on the environmentally regulated and open space areas.

FINDINGS

Community Preservation Act

This proposal meets the criteria established under MGL c.44B because:

1. The subject parcel meets the definition of open space since it is forest land, 35% of which is environmentally constrained, and the land is also important wildlife habitat since it links to two conservation areas (Saw Mill Brook and Baldpate Meadow Conservation Areas).
2. The project will protect existing open space from development encroachment through a City acquisition of Areas 3 and 4 of the site, which comprise approximately 9.4 acres of developable land and a conservation easement on the environmentally constrained land (over 15 acres).

Newton Community Preservation Plan

Overarching Goals

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| 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. | Yes |
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| 2. Serve more than one CPA category. | Yes |
| 3. Demonstrate the highest cost/benefit value relative to other proposals. | See below |
| 4. Leverage other public and/or private funds. | Yes |
| 5. Preserve a resource or opportunity that would otherwise be lost. | Yes |
| 6. Create incentives for other private projects to occur. | No |
| 7. Show that a project is the most reasonable available option to achieve the objective. | Yes |
| 8. Demonstrate strong community support. | See below |
| 9. Serve to equitably distribute CPA funds throughout the City. | Yes |

Additional comments on selected goals:

Goal #3: Projects received during the November 2002 funding round included a high CPA cost of \$850,000 and a low CPA cost of \$24,780. The CPA cost for this project is up to \$5M. The relative benefit for this project includes the following factors: At a minimum, if the City wins the bid to Boston Edison, the CPA funding would result in permanently preserving Areas 3 and 4 as open space. According to the City's private appraisal, the combined value for Areas 3 and 4 is a range of \$4.9M to \$5.4M. If the preferred conceptual plan, as described above, is achieved, the City would preserve almost 30 acres of open space on the site through a combination of City acquisition of the entire south parcel and a portion of the north parcel, and conservation restrictions on portions of the north parcel.

Goal #8: Kessler Woods is the largest open space land in the City at risk of development. For many years, this land has been a conservation priority identified in the City's *Recreation and Open Space Plan* due to its environmentally sensitive features which include: a substantial amount of wetland and floodplain; Saw Mill Brook; a locally-rare vegetative community; and a significant amount of diverse wildlife habitat. The Mayor held a public meeting on May 6 and the CPC heard public comments at its May 12 meeting. Although the attendees expressed various viewpoints, there is clear agreement that the City should request CPA funds in order to make a competitive bid to Boston Edison for acquisition of the land. Many attendees spoke in favor of limited development on the site that incorporated community housing, just as many spoke in favor of maximizing open space on the site to the greatest extent possible. The City's proposed conceptual site plan intends to balance both of these important CPA and community goals as well as integrating passive recreation opportunities into the site.

Open Space Goals

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| 1. Provide protection for land listed in the <i>Recreation & Open Space Plan</i> . | Yes |
| 2. Expand existing open space. | Yes |
| 3. Enhance biodiversity or wildlife habitat and reclaim natural resources. | Yes |
| 4. Protect wetlands, mitigate flooding and improve groundwater recharge. | Yes |
| 5. Create small pocket parks. | No |
| 6. Enable the development of passive recreation opportunities. | Yes, see below |
| 7. Serve as suitable sites for nature-related education, scientific study, or observation and enjoyment of nature. | Yes, see below |
| 8. Protect a natural feature of special interest. | Yes, see below |
| 9. Enhance public access (where access does not seriously threaten habitat). | Yes |
| 10. Provide linkages and wildlife corridors between open spaces. | Yes |

Additional comments on selected goals:

Goals #6 & #7: Acquiring Areas 3 and 4 will provide an opportunity to create a passive recreation trail system and to formalize public access on existing trails. Public access provides opportunities for passive recreation, nature-related education, scientific study, etc.

Goal #8: This project would provide protection to Areas 3 and 4, which both have scenic road frontage, forested land, flowing water, and scenic views. In addition, Area 4 has a locally rare plant community. See the attached matrix titled "Kessler Woods: Environmental Attributes of Areas 1-4" prepared by Martha Horn, Senior Environmental Planner, City of Newton.

Recreation Goals

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| 1. Address the needs targeted in the <i>Recreation and Open Space Plan</i> and take advantage of other opportunities to meet the recreation needs of the residents of the City. | Yes |
| 2. Meet the recreation needs of the greatest number of residents possible. | No |
| 3. Meet the greatest variety of recreation needs possible. | No |
| 4. Serve passive as well as active uses. Finding ways to balance the range of recreational opportunities and serve the diverse recreation needs of the community is a priority of the CPC. | Yes |
| 5. Preserve sight lines consistent with open space. . . . Decisions about scale and placement should be made with the objective of enhancing or enabling open views. | Yes, see below |
| 6. Access for disabled residents should be included in plans wherever possible. | NA |

Additional comments on selected goals:

Goal #5: The City's preferred conceptual plan, described above, clusters limited housing development in two areas of the site and enables maximum preservation of open space, passive recreation opportunities, and preserves site lines consistent with open space to the greatest extent possible under a limited development scenario.

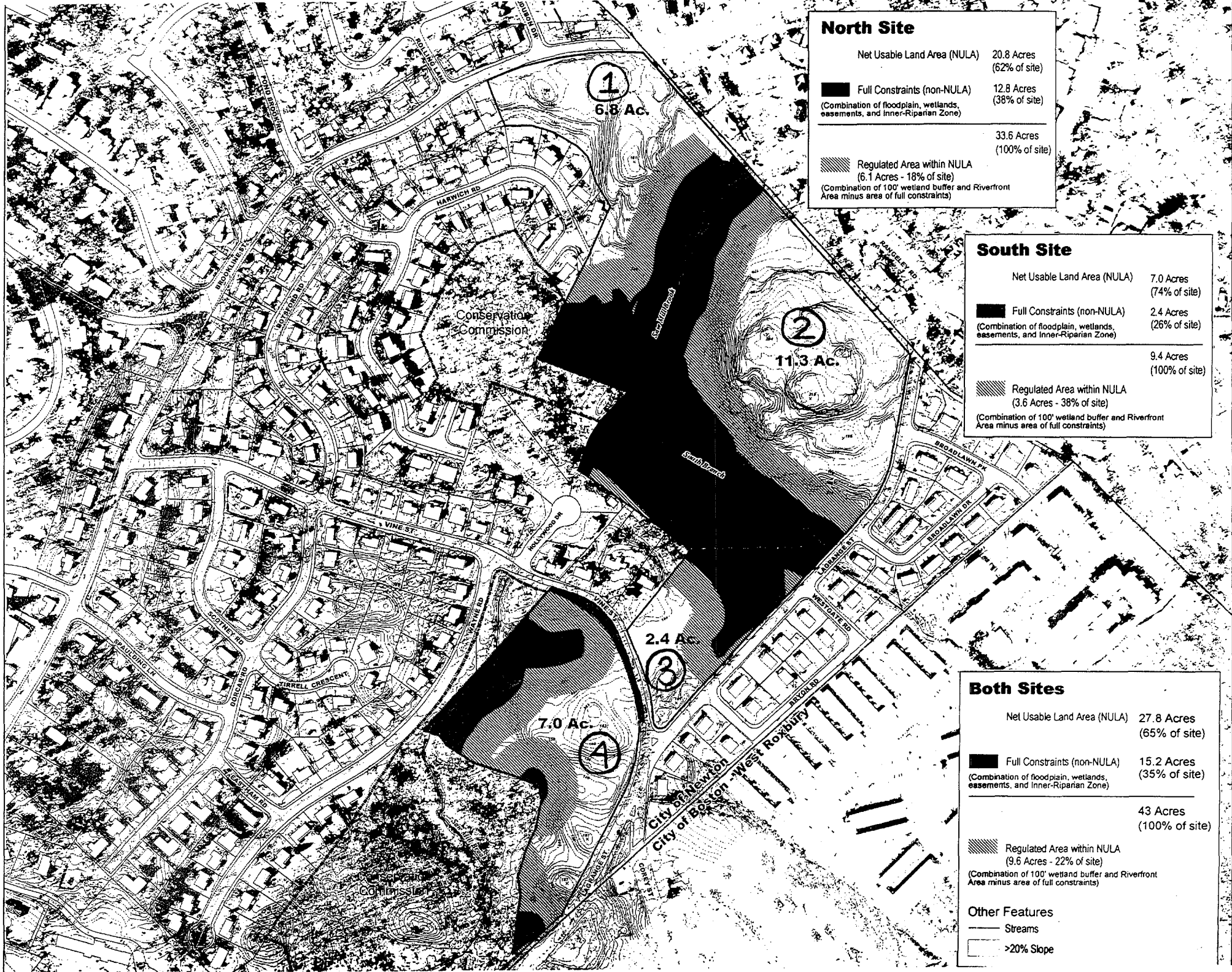
CPC RECOMMENDATION

This project is a rare opportunity that is consistent with the CPA criteria and many of the Plan's goals, as described in detail above. The Community Preservation Committee (CPC) recognizes the extraordinary amount of open space that would be preserved through this proposal and acknowledges the Mayor's commendable efforts to incorporate affordable housing into the preferred plan. However, at its May 12 meeting, the CPC strongly urged the Mayor to make best efforts to increase the number of affordable units above the 9 units as originally proposed. Additionally, in the event that the zoning relief for the preferred conceptual plan is not approved, the CPC strongly urged the Mayor to negotiate additional assurances that affordable units will be provided under the developer's fallback plan. In response to these concerns, at the CPC's May 14 meeting, the Mayor submitted a revised plan increasing the total number of units from 60 to 63 in order to accommodate an increase in affordable units from 9 to 11, as described in more detail above. The CPC applauds the Mayor's efforts in bringing forth the revised plan which is responsive to the CPC's initial concerns.

Therefore, the Community Preservation Committee unanimously recommends funding this application to submit a bid to Boston Edison by borrowing up to the requested \$5,000,000 to be expended under the direction and control of His Honor the Mayor for purposes of funding a portion of the proposed bid to Boston Edison for acquisition of Kessler Woods with the following conditions:

1. If the City prevails in its bid to Boston Edison, at a minimum the City will acquire the entire south parcel (parcel #820410022) and an approximately 2.4-acre portion of the north parcel (parcel #820370003) located on the corner of Vine and LaGrange Streets. These areas are referred to as Areas 3 and 4 on the attached map, prepared by Sasaki Associates, Inc. The purpose of these acquisitions is for permanent open space.
2. Any portion of the grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

The Community Preservation Committee further recommends that the Board of Aldermen authorize the Mayor to take all steps to carry out the purchase of the property described as Areas 3 and 4, and a conservation easement or restriction in the environmentally constrained areas with an option to purchase for nominal consideration. In addition, the Mayor's authorization should allow him to acquire, on behalf of the City, additional real estate interests in the north parcel in order to maximize the creation of open space and development of community housing.



North Site

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|--|-----------------------------|
| Net Usable Land Area (NULA) | 20.8 Acres (62% of site) |
| Full Constraints (non-NULA) <small>(Combination of floodplain, wetlands, easements, and Inner-Riparian Zone)</small> | 12.8 Acres (38% of site) |
| 33.6 Acres (100% of site) | |
| Regulated Area within NULA <small>(6.1 Acres - 18% of site) (Combination of 100' wetland buffer and Riverfront Area minus area of full constraints)</small> | |

South Site

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|--|----------------------------|
| Net Usable Land Area (NULA) | 7.0 Acres (74% of site) |
| Full Constraints (non-NULA) <small>(Combination of floodplain, wetlands, easements, and Inner-Riparian Zone)</small> | 2.4 Acres (26% of site) |
| 9.4 Acres (100% of site) | |
| Regulated Area within NULA <small>(3.6 Acres - 38% of site) (Combination of 100' wetland buffer and Riverfront Area minus area of full constraints)</small> | |

Both Sites

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|--|-----------------------------|
| Net Usable Land Area (NULA) | 27.8 Acres (65% of site) |
| Full Constraints (non-NULA) <small>(Combination of floodplain, wetlands, easements, and Inner-Riparian Zone)</small> | 15.2 Acres (35% of site) |
| 43 Acres (100% of site) | |
| Regulated Area within NULA <small>(9.6 Acres - 22% of site) (Combination of 100' wetland buffer and Riverfront Area minus area of full constraints)</small> | |

Other Features

- Streams
- >20% Slope

KESSELER WOODS: ENVIRONMENTAL ATTRIBUTES OF AREAS 1-4

| | Area 1 | Area 2 | Area 3 | Area 4 |
|-------------------------------------|--------|--------|--------|--------|
| Scenic Road Frontage (Vine Street) | | | X | X |
| Forested | X | X | X | X |
| Adjacent to Forested Land of Others | X | | X | X |
| Locally Rare Plant Communities | | X | | X |
| Flowing Water - Riverine Corridor | | X | X | X |
| Views | | X | X | X |
| Existing Trail System | | | | X |
| Potential Trail System | X | | X | X |

Prepared by the Planning & Development Department, 9 May 2003.