

City of Newton



City of Newton, Massachusetts Community Preservation Committee

MEMORANDUM REVISED 4/7/03

David B. Cohen
Mayor

TO: Honorable Board of Aldermen
FROM: Community Preservation Committee (CPC)
DATE: 19 February 2003
RE: **CPC Recommendations for CPA Funding**

PROJECT TITLE: ELGIN STREET VACANT LOT – CONSERVATION RESTRICTION

CPA CATEGORY: Open Space

PROJECT DESCRIPTION

This applicants, Newton Conservators and Newton Conservation Commission, originally requested \$245,000 for the acquisition (and related costs) of a 30,514 s.f. parcel adjacent to the Cohen Conservation Area in Newton Center. This proposal includes reconfiguring the existing lot configuration by subtracting a 1,000 s.f. portion that is proposed to be transferred to the abutting property at 180 Elgin Street¹. Due to the limitations of MGL c.40 §14², the proposal has been revised to expand the existing Conservation Restriction on the property to include the entire property. The requested funding has not changed.

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, half of which is wetland, and the land is also important wildlife habitat since is linked to the two adjacent conservation areas, which consist of 111 acres (Cohen and Webster Conservation Areas).
2. The project will protect existing open space from development encroachment through a conservation restriction that is held by the City of Newton (the existing conservation restriction is held by the City).

Newton Community Preservation Plan

Overarching Goals

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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¹ This transfer of land would require the submission of an "approval not required"(ANR) plan with the City for endorsement prior to being filed with the County Registry of Deeds.

² MGL c.40 §14 limits city acquisition of land to a purchase price of not more than 25% in excess of its average assessed valuation during the previous three years. This parcel's average assessed valuation over the past three years is \$109,900, which limits purchase price of this parcel to only \$137,375.

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

Additional comments on selected goals:

Goal #3: Projects received during this funding round include a high CPA cost of \$850,000 and a low CPA cost of \$24,780. The CPA cost for this project is \$245,000. The relative benefit for this project includes the following factors: The development rights have already been reduced from two buildable lots to one by a conservation restriction that the owner gifted to the Newton Conservation Commission in 2001. In addition, the owner granted an Option to Purchase to the Newton Conservators for a bargain sale price of \$235,000 (the actual value of land was estimated at \$415,000 by the owner's appraiser in December 2001 and the CPC's recent appraisal estimated the parcel at \$700,000).

Goal #6: Publicity about this project may have the effect of generating other private donations or bargain sales of conservation restrictions.

Goal #7: This project is a reasonable available option since the sale price is reduced substantially below market rate and a permanent conservation restriction will be granted.

Goal #8: The project is supported by the applicant, which has over 300 members, and the City's Conservation Commission. No opposition has been voiced.

Goal #9: As presented at a recent CPC meeting, this round of applications are geographically distributed throughout the City; this project is located in Newton Center.

Open Space Goals

1. Provide protection for land listed in the <i>Recreation & Open Space Plan</i> .	Yes, see below
2. Expand existing open space.	Yes, see below
3. Enhance biodiversity or wildlife habitat and reclaim natural resources.	Yes, see below
4. Protect wetlands, mitigate flooding and improve groundwater recharge.	Yes, see below
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).	No
10. Provide linkages and wildlife corridors between open spaces.	Yes

Additional comments on selected goals:

Goal #1: Since there is an existing conservation easement on a portion of the parcel, it is no longer listed in the Inventory of Lands of Conservation and Recreation Interest in the final draft of the updated *Recreation & Open Space Plan* and does not appear on the Open Space Inventory Map. However, the *Recreation & Open Space Plan* clearly identifies the general need to expand existing open space and to protect wetlands, which this project would address through the acquisition of a permanent conservation easement for the remainder of this parcel which has wetland and is adjacent to approximately 111 acres of conservation land.

Goal #2: This project expands existing open space since it is adjacent to the Cohen Conservation Area and the nearby Webster Conservation Area and MDC owned land.

Goal #3: This project enhances wildlife habitat through the protection of this parcel which is adjacent to larger conservation areas.

Goal #4: Approximately half of this parcel is wetland, and therefore, this project will permanently protect this portion of the wetland from development.

Goals #6 & 7: Since the parcel will be accessed by the public through existing trails, the project provides opportunities for passive recreation, nature-related education, scientific study, etc.

Goal #8: This project would provide protection for Thompsonville Brooke, which runs through the parcel.

CPC RECOMMENDATION

The project is consistent with the CPA criteria and many of the Plan's goals, as described above. Therefore, the Community Preservation Committee, by a 5-1 vote with one abstention, recommends funding this application to acquire a conservation restriction on the remainder of parcel #650004 0042 on Elgin Street by appropriating and transferring the requested \$245,000 to be expended under the direction and control of the Director of Planning and Development for purposes of funding the proposed conservation restriction and incidental expenses subject to the following conditions:

1. The City of Newton will receive an option to purchase the fee simple title to the property for \$1.00 for a period terminating on 12/31/06.
2. The City of Newton will receive a permanent Conservation Restriction in accordance with the requirements of MGL c.184.
3. Any portion of the grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

And be it further ORDERED that His Honor the Mayor is hereby authorized to take all actions to negotiate and purchase a conservation restriction and/or fee simple title in such parcel.