



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
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www.newtonma.gov

Barney S. Heath
Director

To: Community Preservation Committee, c/o Alice Ingerson, Community Preservation Program Manager
From: Jennifer Steel, Chief Environmental Planner
Date: August 13, 2018
Re: Application for Pre-Acquisition Professional Services related to the Protection of Webster Woods

Dear CPC members:

The Newton Conservation Commission is very pleased to submit this application for pre-acquisition professional services associated with the protection of the rear portion of 300 Hammond Pond Parkway.

300 Hammond Pond Parkway, purchased by Boston College in May 2016 (recently owned by the Congregation Mishkan Tefila) contains the largest piece of entirely undeveloped private land in Newton, consisting of wooded land to the rear of the former Temple building, an undeveloped parking area, and other wooded land beyond. This land is the central core of the largest contiguous area of natural open space in Newton. Along with the adjacent parcels to the south (owned by the Massachusetts Department of Conservation and Recreation) and to the north (owned by Newton's Conservation Commission) these woods comprise over 200 acres. Known informally as Webster Woods, this land has important conservation and recreational value. It is also the site of a currently pristine vernal pool.

The parcel, zoned SR-1, currently has the former buildings and parking lots of Congregation Mishkan Tefila. The property is subject to a 99-year deed restriction, recorded in 1954, limiting the use of the site to educational, religious, or nonprofit recreational activities. The restriction expires on August 3, 2053, but most of the land, including the wooded parcel, could be developed now by Boston College for use as dorms, classroom or office buildings, or parking lots. Such development would be a devastating blow to a critical conservation area, as well as to the access enjoyed by the public generally.

For decades, residents have walked the trails that traverse the wooded portion of 300 Hammond Pond Parkway and connect to the adjacent protected areas.

Protection of the wooded portion of this parcel near the vernal pond⁷ is of highest priority on the *Open Space and Recreation Plan* and has the strong support of the City's administration as well as broad public support, including a unanimous vote by the Newton Board of Aldermen in 2015 requesting the Mayor to "work to preserve the recreation and conservation character of 300 Hammond Pond Parkway." The Friends of Webster Woods and the Newton Conservators have worked together to find ways to preserve the much-loved and visited forest, vernal pond, and rock formations.

During her candidacy, Mayor Fuller pledged to protect the wooded portion of the lot and, if possible, an adequate buffer. Upon her election the Mayor created an Advisory Panel (advisory to the Mayor) of 14 residents, representatives of the Conservation Commission, a City Councilor, and City staff. The panel has an Executive Committee of seven. The Planning Department and Law Department are taking the lead on this application process. It is anticipated that once protected, the land will be in the care and custody of the Newton Conservation Commission.

The current CPA funding request is for the cost of professional services to assist the Law Department in protecting this valuable open space. The Law Department will augment the CPC funds with an additional \$5,000. We anticipate coming back to the CPC to request funds for protection/acquisition.

From: Ouida C. M. Young
Sent: Saturday, August 18, 2018 1: 38 PM
To: Alice Ingerson <aingerson@newtonma.gov>
Cc: Jennifer Steel <jsteel@newtonma.gov>; Jonathan Yeo <jyeo@newtonma.gov>
Subject: Webster Woods CPA funding request

Dear Alice,

Please be advised that the Law Department, in consultation with the Planning Department, has agreed to receive the CPA funds appropriated for legal and professional services to support the protection of Webster Woods.

In accordance with City Ordinances, all contracts for outside legal services are made by the City Solicitor.

As noted in the Webster Woods Phase 1. Pre-acquisition CPA Proposal, the Project Manager will be the Conservation Commission. The Law Department will be working with the Project Manager to provide the legal and professional services funded through the CPA Proposal.

Please let me know if you have any questions. Thank you.

Ouida Young
Acting City Solicitor
Newton Law Department
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459
617-796-1240
oyoung@newtonma.gov

Newton, Massachusetts Community Preservation Program FUNDING REQUEST

City of Newton



Ruthanne Fuller
Mayor

PRE-PROPOSAL

PROPOSAL

(For staff use)
date rec'd:

13 August
2018

Last updated September 2015.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see www.newtonma.gov/cpa or contact us:

Community Preservation Program Manager,
City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459
aingerson@newtonma.gov 617.796.1144

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	“Webster Woods” Phase 1. Pre-acquisition		
Project LOCATION	Full street address (with zip code), or other precise location. 300 Hammond Pond Parkway, Chestnut Hill MA 02467		
Project CONTACTS	Name & title or organization	Email	Phone
Project Manager	Jennifer Steel, Chief Environmental Planner and Agent of the Newton Conservation Commission	jsteel@newtonma.gov	617.796.1134
Other Contacts	Ouida Young, Acting City Solicitor	oyoung@newtonma.gov	617.796.1245
	Beth Wilkinson, Chair, Mayor’s Webster Woods Advisory Panel	bethwilkinson@mac.com	617.966.7491
Project FUNDING	A. CPA funds requested: \$100,000 (for pre-acq.)	B. Other funds to be used: \$5,000 City Law Dept (pre-acq.)	C. Total project cost (A+B): \$105,000 (pre-acq.)
Project SUMMARY	Explain how the project will use the requested CPA funds. You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW. Use a cover letter for general information about the sponsoring organization’s accomplishments.		
<p>This proposal requests \$100,000 in CPA funding for pre-acquisition professional services (a team to be assembled by contracted counsel) to protect the open space character of the wooded portion of 300 Hammond Pond Parkway, known informally as “Webster Woods.”</p>			

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	“Webster Woods” Phase 1. Pre-acquisition		
USE of CPA FUNDS	OPEN SPACE	or	RECREATION LAND
Check all	acquire	✓	
COMMUNITY NEEDS	From each of at least 2 plans linked to the Guidelines & Forms page of www.newtonma.gov/cpa , provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan.		
<p>2014-2020 Open Space and Recreation Plan, Section 9 – Seven Year Action Plan. Acquisition of a Conservation Restriction by gift, purchase or negotiation on the following whole or partial parcels: <u>Item #2.</u> Temple Mishkan Tefila Woods - woods, pond, and sensitive habitats.</p> <p>Comprehensive Plan, 2007, page 7-4. Goal #4: <i>To pursue courses of action necessary to protect and preserve remaining large open spaces, including golf courses and parcels owned by institutions and private entities.</i></p> <p>Other Community Benefits</p> <ul style="list-style-type: none"> • Continued public access to existing trail network and Bare Pond (vernal pool) • Protected diverse, healthy, native habitat and habitat connectivity for wildlife • The added ecological value that this central parcel provides to adjacent State and City-owned open space parcels • The parcel’s contribution to a functioning, intact watershed • Climate change mitigation value of forest cover (reduced heat island effect, carbon sink, severe storm mitigation, etc.) • The public health value of a forested landscape • Educational and recreational opportunities for youth and families • Preservation of tranquil space 			
COMMUNITY CONTACTS	List at least 3 Newton residents or organizations willing and able to comment on the project and its manager’s qualifications. Consult staff on the community contacts required for your specific proposal.		
Name & title or organization	Email	Phone	Mailing address
Chris Hepburn, Vice President Newton Conservators	john.hepburn@bc.edu	617-964-1137	132 Stanley R. Newton, MA 02468
Lalor (Larry) Burdick, Nahanton Woods, Inc.	l.burdick@comcast.net	617-969-0414	180 Dudley Road Newton, MA 02459
Michele Hanss, Friends of Houghton Garden	m.hanss@comcast.net	617-730-8122	207 Suffolk Road Newton, MA 02467
Jack Wittenberg	jwittenberg@partners.org	617-969-2657	146 Allerton Road Newton, MA 02461
Fred Hochberg	hochbergfred@gmail.com	617-678-8657	18 Clovelly Road Newton, MA 02467
Doug Dickson	doug dickson17@gmail.com	617-969-8661	17 Oxford Road Newton 02459
Julia Malakie Newton Tree Conservancy	malakiephoto@aim.com	617-610-2509	50 Murray Rd Newton, MA 02465

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.
 Full proposals must include separate, detailed budgets in addition to this page.

Project TITLE	“Webster Woods” Phase 1. Pre-acquisition	
SUMMARY CAPITAL/DEVELOPMENT BUDGET		
Uses of Funds		
Professional services		\$ 105,000
D. TOTAL USES (should equal C. on page 1 and E. below)		\$ 105,000
Sources of Funds	Status (requested, expected, confirmed)	
CPA funds		\$ 100,000
City of Newton Legal Department funds		\$5,000
E. TOTAL SOURCES (should equal C. on page 1 and D. above)		\$ 105,000
SUMMARY ANNUAL OPERATIONS & MAINTENANCE BUDGET (cannot use CPA funds)		
Uses of Funds		
Trails are well established, the only maintenance anticipated will be occasional clearing of fallen trees		\$2,000
F. TOTAL ANNUAL COST (should equal G. below)		\$2,000
Sources of Funds		
Newton Conservation Commission annual General Fund budget, Land Maintenance/Management Funds		\$2,000
G. TOTAL ANNUAL FUNDING (should equal F. above)		\$2,000
Project TIMELINE	Phase or Task	Season & Year
Phase 1. Pre-acquisition		
1. Hire Lead Counsel		retained
2. Develop a strategy and timeline to preserve the wooded portion of the property		immediately
3. Begin execution of the strategy		as soon as appropriate
Phase 2. Acquisition		
The Mayor would like to ensure protection by December 2019.		December 2019

Project TITLE		“Webster Woods” Phase 1. Pre-acquisition	
↓ Check off submitted attachments here.			
	✓	COVER LETTER	From the Project Manager on behalf of the Conservation Commission
PROJECT FINANCES			
	✓	project capital budget: include total cost, hard vs. soft costs and contingencies, and project management – amount and cost of time from contractors or staff (in-kind contributions by existing staff must also be costed)	
	✓	non-CPA funding: commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions	
SPONSOR FINANCES & QUALIFICATIONS, INSTITUTIONAL SUPPORT			
	✓	for sponsoring department, most recent annual operating budget (revenue & expenses) & financial statement (assets & liabilities).	
	✓	for project manager: relevant training & track record of managing similar projects	
	✓	Webster Woods Mayor’s Advisory Panel (charge, membership)	
	✓	CAPITAL IMPROVEMENT PLAN	current listing/ranking & risk factors for this project
SITE CONTROL, VALUE & DEED RESTRICTIONS, PROPERTY HISTORY			
	✓	brief property history: at least the last 30 years of ownership & use	
	✓	PHOTOS	of existing site or resource conditions (2-3 photos may be enough)
	✓	MAP	of site in relation to nearest major roads
OPTIONAL, for full proposal.	✓	LETTERS of SUPPORT	from Newton residents, organizations, or businesses

City of Newton Project Manager

Jennifer Steel, Chief Environmental Planner

Jennifer is the Chief Environmental Planner for the City and Agent of the Conservation Commission. Jennifer has worked in the field of municipal land management and land protection for over 20 years. With the full support of Newton's Executive Office, Law Department, and Planning Department, and in concert with the Executive Committee of the Mayor's Webster Woods Advisory Panel, Jennifer will oversee the process of protection.

Outside Counsel

Lead Counsel

Jeffrey Tocchio, Partner
DT&M Attorneys at Law
Hingham, MA

http://www.dtm-law.com/attorneys_jtocchio.html

Expert in real estate development and eminent domain
Suffolk University Law School, 1988

Team of experts, including an appraiser and other advisors, to be assembled and hired by lead counsel.

300 Hammond Pond Parkway – Conservation Annual Budget FY19

FUND: 01 - GENERAL FUND
DEPARTMENT: 114 - PLANNING DEVELOPMENT

CITY OF NEWTON BUDGET
DEPARTMENT LEGAL LEVEL OF CONTROL

	ACTUAL 2016	ACTUAL 2017	AMENDED 2018	YTD 4/12/2018	RECOMMENDED 2019	CHANGE 2018 to 2019
CONSERVATION						
51 - PERSONAL SERVICES	63,977	65,635	119,853	76,011	129,494	9,641
52 - EXPENSES	595	1,164	2,000	423	2,000	0
58 - DEBT AND CAPITAL	92,462	57,026	25,000	0	25,000	0
57 - FRINGE BENEFITS	938	1,030	11,117	1,172	2,104	-9,013
TOTAL CONSERVATION	157,972	124,856	157,970	77,606	158,598	628

	ACTUAL FY2016	ACTUAL FY2017	AMENDED 2018	YTD 4/12/2018	RECOMMENDED 2019	CHANGE 2018 to 2019
0111402 - CONSERVATION						
PERSONAL SERVICES						
511001 FULL TIME SALARIES	63,477	65,135	118,853	75,161	128,244	9,391
514001 LONGEVITY	0	0	0	0	750	750
515005 BONUSES	0	0	0	350	0	0
515102 CLEANING ALLOWANCE	500	500	1,000	500	500	-500
TOTAL PERSONAL SERVICES	63,977	65,635	119,853	76,011	129,494	9,641
EXPENSES						
5341 POSTAGE	447	936	1,000	93	1,000	0
5342 PRINTING	0	83	100	0	100	0
5420 OFFICE SUPPLIES	0	145	200	195	200	0
5730 DUES & SUBSCRIPTIONS	148	0	700	135	700	0
TOTAL EXPENSES	595	1,164	2,000	423	2,000	0

Webster Woods Advisory Panel

March 2018

Mayor Ruthanne Fuller strongly supports preserving Webster Woods, the largest contiguous parcel of undeveloped, open space in Newton. In March 2018 Mayor Fuller announced the members of the newly formed Webster Woods Advisory Panel, which will review and recommend options to her for the protection of this important natural resource.

- **Lisle Baker:** Ward City Councilor from Ward 7 and a Professor of Law at Suffolk University.
- **Peter Barrer:** Chair of Newton's Design Review Committee. President of the Board of Directors of the Newton Community Farm.
- **Dan Brody:** Director and Website Manager for the Newton Conservators. Wrote the Webster Woods trail descriptions published in the Appalachian Mountain Club's Massachusetts Trail Guide, 10th edition.
- **Kathy Cade:** Associate member of the Newton Conservation Commission. Retired investment banker, vice-chair of the board of trustees of the Carter Center in Atlanta.
- **Suzanne Carleo:** Comptroller of the Charles River Watershed Association.
- **Jeff Goldman:** Abutter and Land Steward for Webster Woods for the City's Conservation Department.
- **Barney Heath:** Director of Planning and Development for the City of Newton.
- **Ken Kimmel:** Co-chair of the Friends of Webster Woods and the President of the Union of Concerned Scientists. Former Commissioner of the MassDEP and the director of a law firm specializing in environmental, energy, and land-use issues.
- **Eric Olson:** Ecologist at Brandeis University. For many years, a leader of walks to the Bare Vernal Pool in Webster Woods.
- **Richard Primack:** Professor of Biology at Boston University and the director of a lab that studies how climate change affects the environment. Writer about and researcher of Webster Woods.
- **Stephen Small:** Nationally known land-protection lawyer. Author of "The Business of Open Space: What's Next?"
- **Jennifer Steel:** Chief Environmental Planner for the City of Newton and, in that role, works with the Conservation Commission.
- **Ira Wallach:** Chair of the Newton Conservation Commission. Recently retired Associate Chief Legal Counsel Massachusetts Port Authority.
- **Beth Wilkinson, Chair:** President of the Board of Directors of the Newton Conservators and a member of the Newton Urban Tree Commission.
- **Jonathan Yeo:** Chief Operating Officer of the City of Newton. Formerly, Director of Water Supply Protection for the Massachusetts Department of Conservation and Recreation.
- **Ouida Young:** City Solicitor for the City of Newton.

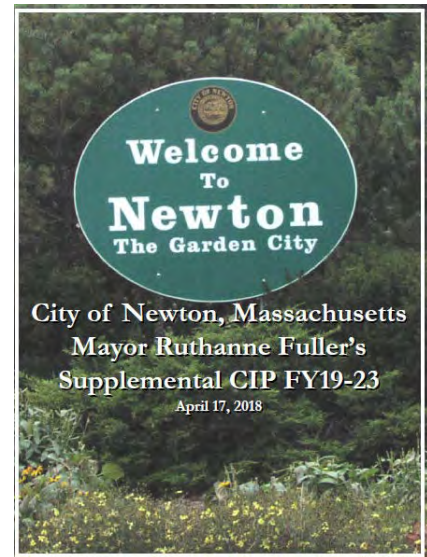
The members of the Advisory Panel were chosen for the knowledge and expertise they will bring to the process of protecting the Woods.

"We had so many more excellent people come forward to serve on this panel than seats available. I encourage all of them, and everyone interested in preserving this important parcel of woods to stay involved and work with the Advisory Panel," Mayor Fuller said.

City Website Link

http://www.newtonma.gov/gov/planning/current/devrev/hip/webster_woods_300_hammond_pond_parkway.asp

**300 Hammond Pond Parkway –
Capital Improvement Plan FY19-23**



Supplemental CIP by Funding Source (CPA) FY 2019-2023

Priority	Dept	Asset Category	Project Title	Project Description / Justification	Est Cost in FY2018	Funding Source
52	Planning (Conservation Commission)	Parkland	Webster Woods	Implementation of Webster Woods Plan	Unknown	CPA Eligible

Priority	Project Title	Overall Condition 0: Worse to 10: Best	% Life Left 0: Expired to 100: New	City Operations	Programs / Services	Costs/ Savings Ratio	Codes/ Health & Safety
52	Webster Woods	2	0%	6	6	2	9

Priority	Project Title	Property Damage	Quality of Life	Energy	Dept. Mission or Vision	% Life Left	Condition Likelihood Failure	% Life Left Likelihood failure
52	Webster Woods	7	9	0	8	30%	0.80	0.70

300 Hammond Pond Parkway – Site History

300 Hammond Pond Parkway was part of a much larger parcel donated by Newton’s Webster family to the Metropolitan District Commission (MDC) in 1916 as public open space. The MDC sold the portion of this land that is now identified as 300 Hammond Pond Parkway to Congregation Mishkan Tefila in 1954, subject to a 99-year restriction of the site’s uses to “educational or religious purposes and for non-profit recreational activities in connection therewith.” Congregation Mishkan Tefila subsequently sold its parcel to Boston College in 2015.

For decades, residents from all parts of Newton have walked the trails and other parts of the wooded portion of 300 Hammond Pond Parkway.

The parcel, zoned SR-1, currently has the former buildings and parking lots of Congregation Mishkan Tefila. The existing restriction expires in 2053, but most of the land, including the wooded parcel, could be developed now by Boston College for use as dorms, classroom or office buildings, or parking lots.

In 2015, Newton’s Conservation Commission and Board of Aldermen both expressed to the Mayor and Newton’s Community Preservation Committee their strong support for preserving the land’s open space character. The Board of Aldermen unanimously adopted a resolution asking the Mayor to “work to preserve the recreation and conservation character of 300 Hammond Pond Parkway.”

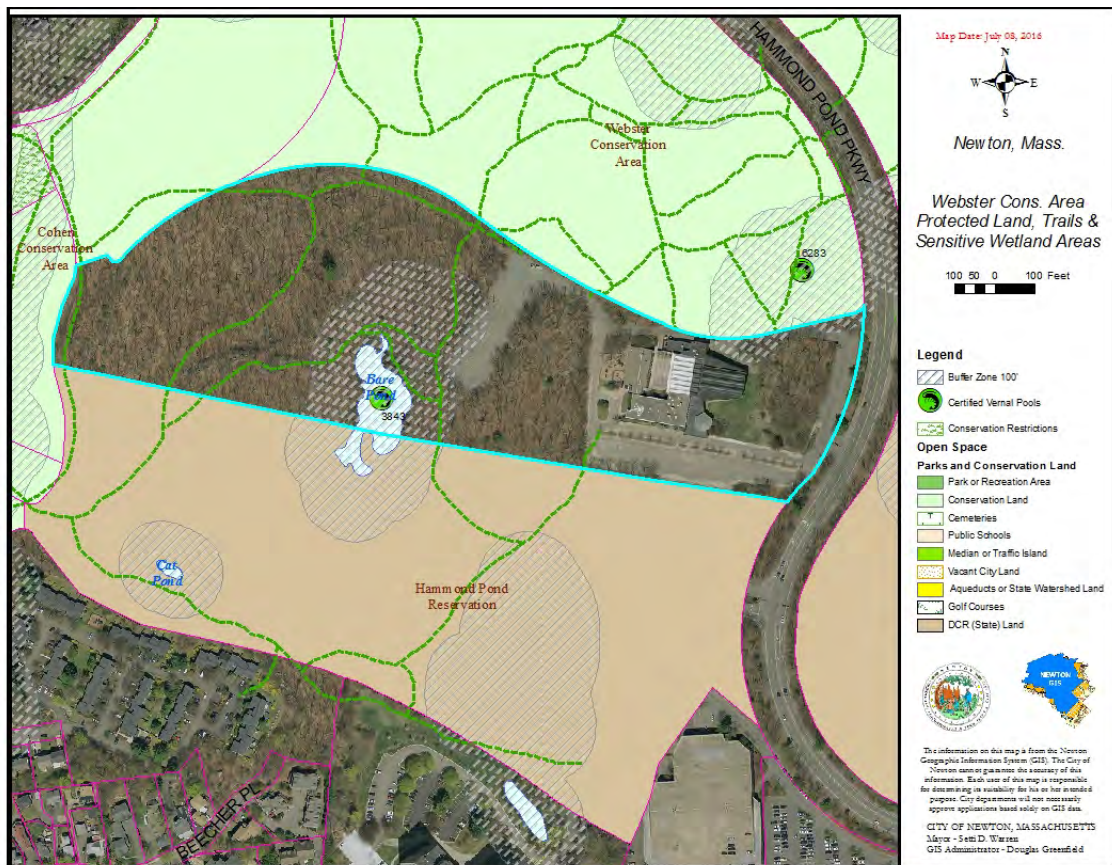
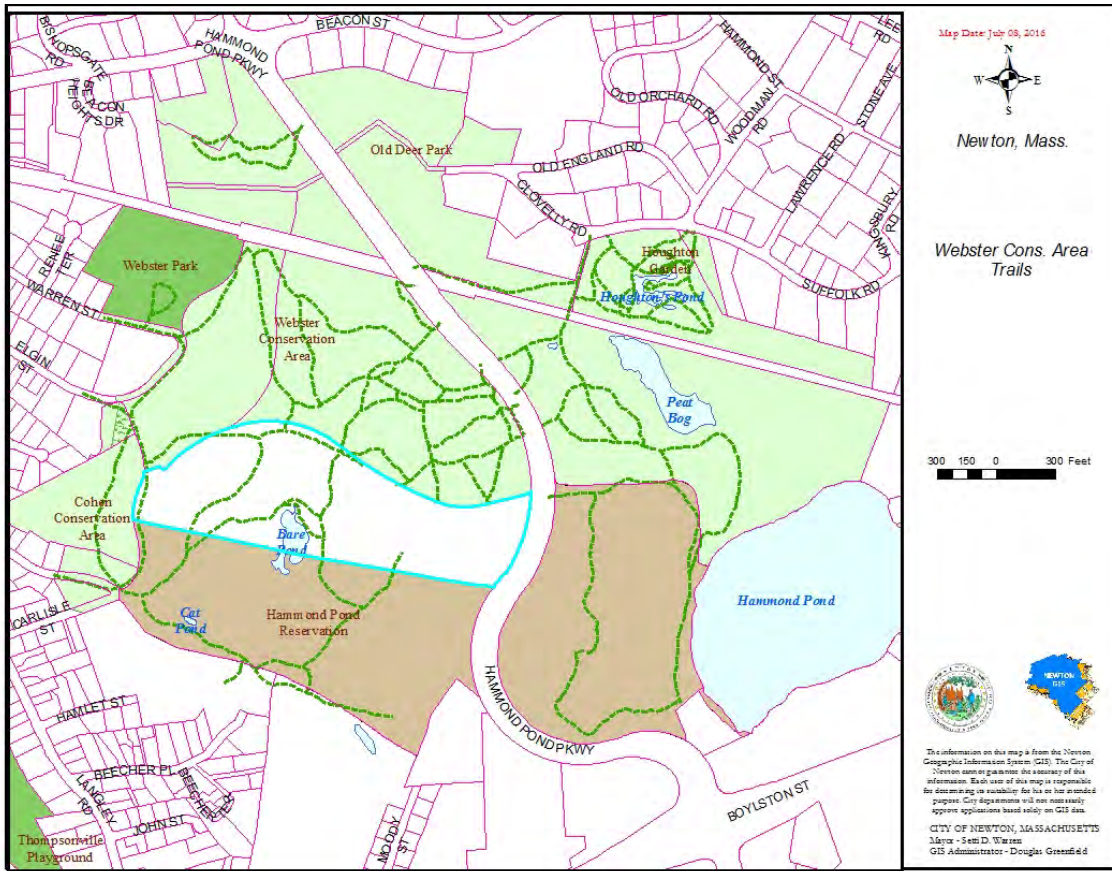
In 2017 the City commissioned an appraisal of 300 Hammond Pond Parkway by Avery Associates.

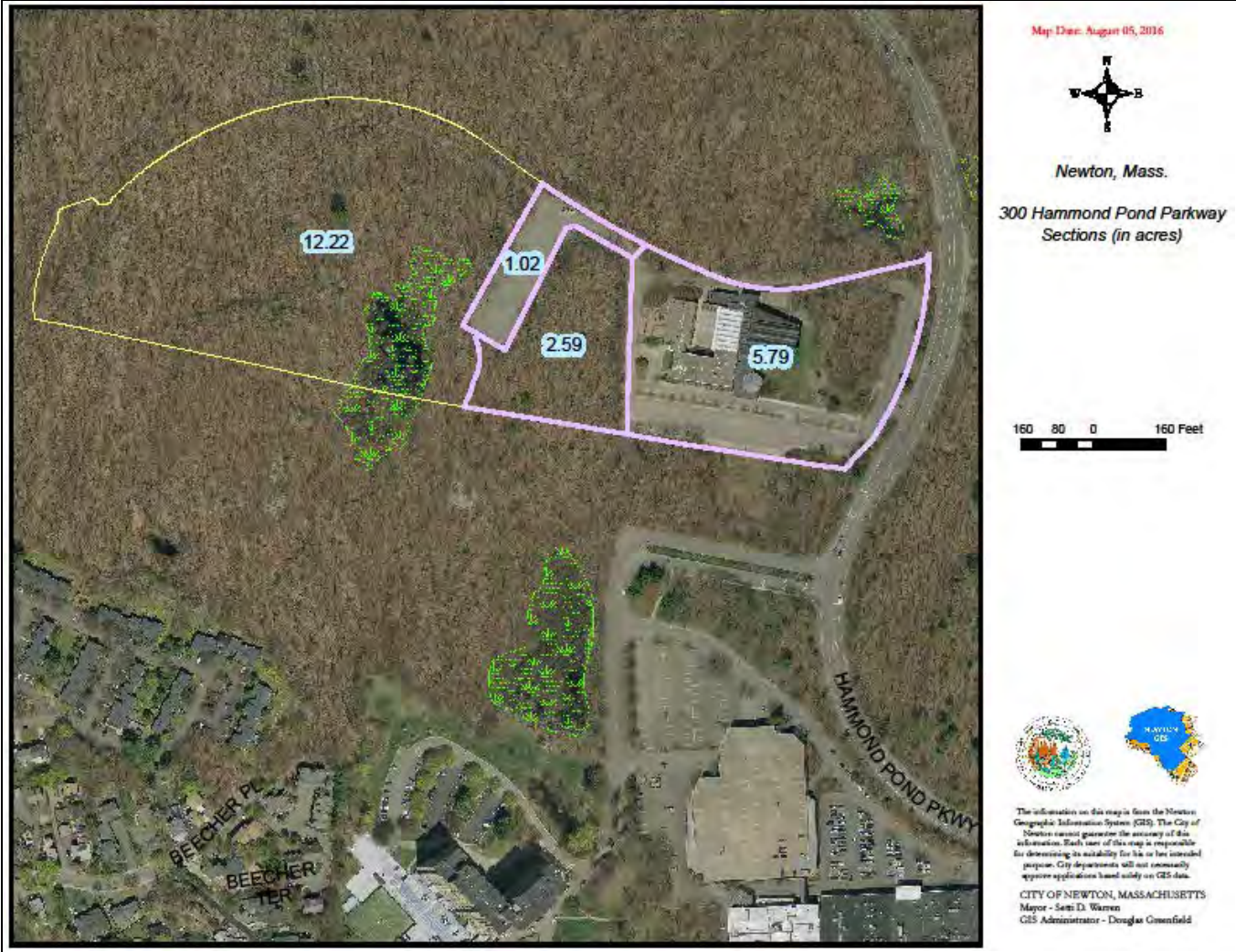
Additional supporting information not included with this proposal but available from the Newton CPC’s project webpage,

[www.newtonma.gov/gov/planning/cpa/projects/webster.asp#webster#webster:](http://www.newtonma.gov/gov/planning/cpa/projects/webster.asp#webster#webster)

- 1650s-1970s Webster & Cohen conservation areas land use & ownership timeline
- 1874-1953 maps of Hammond Pond Parkway area, including 1917 map showing land owned at that time by the Metropolitan District Commission
- 1954 sale of land by MDC to Congregation Mishkan Tefila (deed, restriction, etc.)
- October-November 2015 - support for open space preservation at 300 Hammond Pond Parkway:
 - Newton Conservation Commission letters to Mayor, Board of Aldermen, CPC
 - Newton Board of Aldermen resolution 195-15(2)
- 2016 sale of 300 Hammond Pond Parkway to Boston College (deed)
- 2017 appraisal of 300 Hammond Pond Parkway for the City of Newton
- 2018 Mayor’s Advisory Panel for 300 Hammond Pond Parkway

Site Maps and Photographs







Statements of Support for the Preservation of Webster Woods



July 4, 2017

Dear Newton Mayoral Candidates:

We are Newton residents who care deeply about Webster Woods, the largest contiguous parcel of open space in Newton. As you may know, most of Webster Woods is owned by the City of Newton and the state Department of Conservation and Recreation. Fortunately, these portions are permanently protected.

However, in the middle of these two protected, publicly owned portions is a twenty-two acre area of wooded open space now owned by Boston College. This privately owned area is an integral part of the woods, with numerous hiking trails running through it that are used regularly by many visitors and that connect to the publicly owned areas to the north and south. This area also contains a vernal pool, a rare resource in Newton, which functions as a breeding pond for tadpoles and salamanders.

Webster Woods is an open space gem. For many years, it has offered Newton residents and many others abundant recreational opportunities, such as hiking, jogging, cross-country skiing, and even cave-visiting. It also has high scientific value. As detailed by biologist Richard Primack, these woods have been used by nearby universities for studies of the biology of pink lady's slipper orchids, wildflower restoration programs, and the effects of climate change.

Given that the privately-owned area is right in the middle of these woods, any development of it would inevitably and seriously degrade the publicly owned open space on both sides and would undermine the public investment that has been made in this open space.

Due to the unique value of these woods, and the threat posed by the potential for future development by a private owner (especially after the expiration of the current restriction on all development that is not educational or religious), the Newton City Council, the Newton Conservators, and the Newton Conservation Commission have all strongly supported the City taking action to permanently protect the portion of the woods owned

by Boston College. And neighbors of these woods have pledged to contribute very significantly to the costs of such protection.

We ask that as a candidate for Mayor, you make the following commitment:

1. You state that it is a top priority of yours that the City permanently protect this area.
2. You form a citizen's advisory group to assist in this effort, and meet with the group on a quarterly basis.
3. Within two years from taking office, you negotiate an agreement with Boston College that includes permanent protection of at least the wooded area.
4. Within two and a half years from taking office, you submit necessary approvals to the Community Preservation Act Committee and the City Council to finalize and implement the agreement with Boston College.
5. If despite your best efforts you are unable to forge an agreement with Boston College, you fully support a taking by eminent domain that ensures no development of this area and continued public use of it.

We appreciate your consideration of this vital open space protection opportunity. Please confirm in writing your agreement with this request. We would appreciate a response within thirty days, and are happy to discuss this further with you if you would like.

Signed,

AnnaMaria Abernathy
 Anna A. Allen
 Rory J. Altman
 Joan Balaban
 Peter Barrer
 Adrian Bradley
 John Chadis
 Sandy Chadis
 Annie Cole
 Josh Coval
 Doug Dickson
 Judith Di Leo

Bev Droz
 Kat Eutsler
 Deena Freed
 Joshua Freed
 Lynne Friedlander
 Steve Garfinkle
 Jeff Goldman
 J. Christopher Hepburn
 Katherine Howard
 David Hruska
 Kenneth Kimmell
 Rebecca Komblatt

Daniel Krasa
 Jonathan Landman
 Rebecca M. Mayne
 Tatjana Meschede
 Steven Miller
 Lucy Ogburn
 Willard Ogburn
 Gordon M. Orloff
 Carol Sklar
 Phil Stern
 Susan Stern
 Beth Wilkinson



Setti D. Warren
Mayor

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Department of Planning and Development

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Members

Dan Green
Judy Hepburn
Susan Lunin
Barbara Newman
Norm Richardson
Jane Sender
Ira Wallach, Chair
Jeff Zabel (Alt.)

Conservation Commission

1000 Commonwealth Avenue
Newton, Massachusetts 02459
(617) 796-1134

2 October 2015

Mayor Setti Warren
1000 Commonwealth Ave.
Newton, MA 02459

Board of Aldermen
1000 Commonwealth Ave.
Newton, MA 02459

October 2, 2015

Dear Mayor Warren and Board of Aldermen,

I write as Chair and on behalf of the City of Newton Conservation Commission.

The Commission understands that, as part of a larger transaction, an approximately-13-acre wooded area located off Hammond Pond Parkway, and contiguous with protected City of Newton-owned and state-owned conservation land, is in the process of being sold. Acknowledging that the contemplated transaction is one between private parties and wishing not to interfere with that private transaction, the Newton Conservation Commission encourages and would fully support a City effort to ensure the long-term protection of the contiguous wooded portion of this parcel, for its irreplaceable conservation, ecological and environmental qualities.

This wooded area may be the largest, privately-owned open-space land area remaining in the City of Newton. This private wooded area, joined with the adjacent Department of Conservation and Recreation Hammond Pond Reservation and Newton's Webster Conservation Area, would constitute the largest contiguous piece of protected open space in Newton. It comprises approximately 13 acres of mature hardwood forest with very few invasive species. It provides a tremendous diversity of ecological niches and wildlife habitats, including a large wetland in the interior of the parcel that is a Certified Vernal Pool, recognized by state environmental authorities (and the Commission) as an extremely valuable natural resource. In addition, the wooded area is home to hiking trails that have historically been heavily utilized by the public and which connect to the many miles of trails on the adjacent Department of the Conservation and Recreation and Newton's Conservation land.

The Conservation Commission sees this as an opportunity and an obligation to prevent a virtually irretrievable ecological disappointment, and by this letter expresses its support for the protection of the ecological and recreational qualities of this wooded area. It is an opportunity that should not be squandered and an obligation that should be met. The public interest that would be served by its preservation is manifest. Accordingly, the Commission recommends that the City make every reasonable and practicable effort to protect the ecological and conservation value of this land and create an enduring legacy. The Commission is prepared to participate in efforts to achieve that goal, as well as to assume the stewardship of the results of that effort.

The Commission looks forward to the opportunity to contribute to the dialogue it hopes and expects will take place in the very near future on this important and possibly time-sensitive subject.

Sincerely,

Ira Wallach, Chairman
Newton Conservation Commission



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Telephone
(617)-796-1120

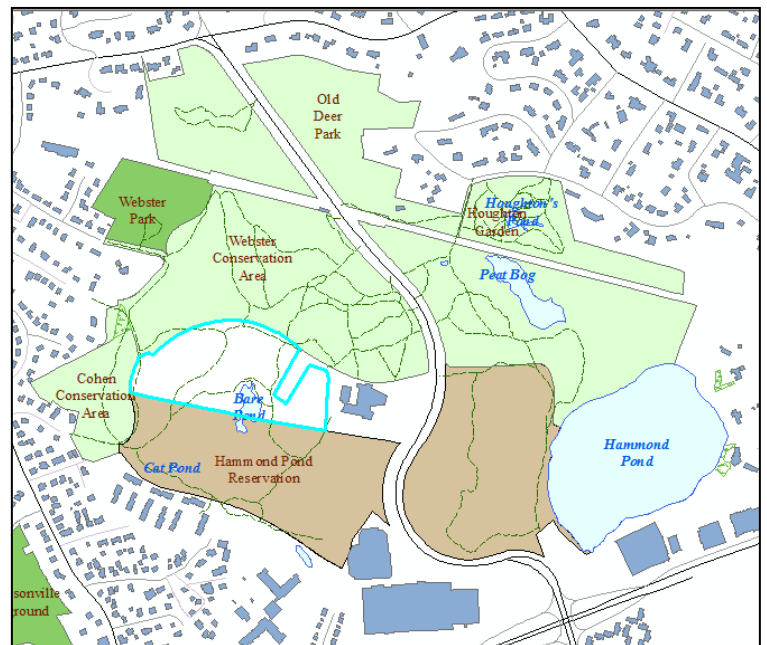
Telefax
(617) 796-1086

TDD/TTY
(617) 796-1089

To: Newton Community Preservation Committee
From: Newton Conservation Commission
Re: Protection of wooded portion of 300 Hammond Pond Parkway
Date: November 10, 2015

The Commission understands that the parcel of land at 300 Hammond Pond Parkway is in the process of being sold, although the timing of that sale has not been made public by either party to it. For that reason, and as a follow-up to the Conservation Commission's October 2, 2015, letter to the Mayor and the Board of Aldermen regarding the preservation of the open space at 300 Hammond Pond Parkway (letter attached), the Conservation Commission would like to meet with the Community Preservation Committee at its earliest convenience.

Aware of the September 23, 2015, and October 5, 2015 resolutions by the Board of Alderman with regard to 300 Hammond Pond Parkway, at its most recent public meeting, the Commission discussed its potential role in any effort the City might undertake to preserve the undeveloped portion of that property as open space. One of the preliminary steps the Commission is considering is applying to the Community Preservation Committee for funds for any appraisal and/or other consulting services that may be necessary or desirable to further the public interest in the permanent protection of the undeveloped portion of 300 Hammond Pond Parkway, should the City choose to do so. While it is not yet certain that funding for that purpose will be necessary, or whether any subsequent protection efforts, would require further CPA funding, the Commission thought it best to inform CPC of the Commission's potential request(s) as early as practicable, to enable the CPC to integrate any such funding into its planning, should it choose to do so.



The wooded portion of the land to be sold is the largest piece of entirely undeveloped private land in all of Newton. Together with the adjacent Department of Conservation and Recreation's parcel and Newton's Webster Conservation Area, these parcels constitute the largest contiguous area of natural open space in Newton. This is, therefore, an unusual and significant opportunity for meaningful preservation of open space.

Municipal Chronology

- Newton Conservation Commission's 10/2/15 letter to Mayor and Newton Board of Aldermen (attached)
- Newton Board of Aldermen docket item #195-15(3) "requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land. [10/23/15 @ 2:55 PM]"
- This informal letter of interest from the Conservation Commission

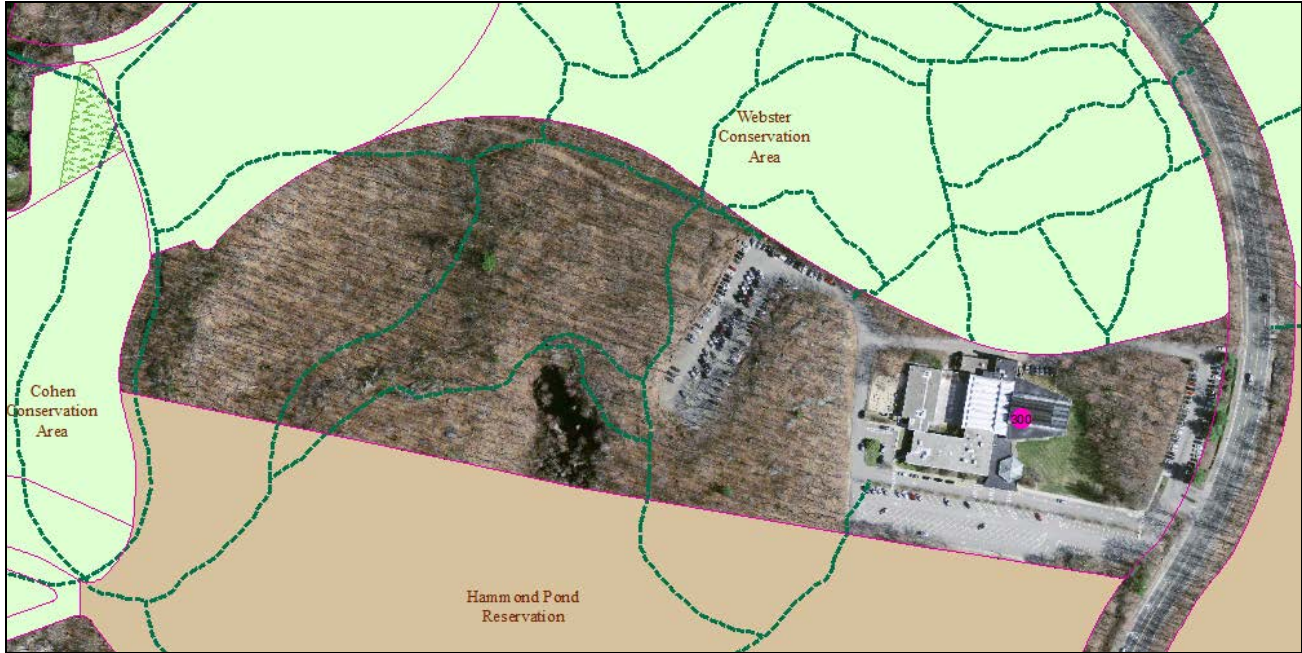
We look forward to working with the Community Preservation Committee to achieve the City's goals to preserve the conservation and environmental and open-space value of this undeveloped land for the benefit of the current and future residents of the City.

Conservation Commission

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Email: jsteel@newtonma.gov

Aerial view of 300 Hammond Pond Parkway with adjacent public open space and trails



Scenes of 300 Hammond Pond Parkway



Vernal Pool



Popular wooded trails

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 5, 2015

BE IT RESOLVED:

That the Board of Aldermen respectfully requests that His Honor the Mayor work to preserve the recreation and conservation character of 300 Hammond Pond Parkway, Chestnut Hill.

Under Suspension of Rules
Readings Waived and Adopted
24 yeas - 0 nays



(SGD) DAVID A. OLSON
City Clerk



September 10, 2015

Mayor Setti Warren
Members of the Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Officers

Beth Wilkinson, President
George Mansfield, Vice President
AnnaMaria Abernathy, Secretary
Katherine Howard, Treasurer
Beth Schroeder, Past President

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Jane Sender
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Octo Barnett
Lee Breckenridge
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Modestino Criscitiello
Douglas Dickson
Ann Dorfman
Bart Hague
Judith Hepburn
Duane Hillis
Peter Kastner
Alison Leary
William Leitch
Don Lubin
Eric Olson
Anne Pearson
Richard Primack
Eric Reenstierna
Jon Regosin
Patricia Robinson
William Shaevel
Verne Vance
Brian Yates

Dear Mayor Warren and Members of the Board of Aldermen,

The members of the Board of Directors of the Newton Conservators are concerned that the potential sale of the open space behind Temple Mishkan Tefila will endanger a beautiful 28-acre parcel that has great environmental value. The temple has been a good custodian of the land, and we want to see that care continue. We request that you act to protect that land from development and to preserve it for the citizens of Newton.

The Mishkan Tefila land has environmental features that should be saved: it contains a vernal pool that is home to tadpoles and breeding salamanders in the spring and also notable sandstone ledges and outcroppings of Roxbury puddingstone. Except for the front third of the land that contains the temple buildings and parking lots that are adjacent to the temple, it is wild, open area.

The Mishkan Tefila land is surrounded by conservation areas. Not only is it adjacent to those public spaces, but also it is functionally integral with them. As climate change begins to have greater effects on our environment, having this kind of connection between our conservation areas will become more important, allowing stressed plants and other wildlife to migrate to more hospitable areas in which they will be more likely to survive.

In 1916, Edwin Webster gave this parcel of land to the State. In 1954, the State sold it to Mishkan Tefila for \$1, with the proviso that the land be used for only educational or religious purposes for ninety-nine years. That proviso will be in effect for the next thirty-seven years, but it does not protect the land from development.

The actual vernal pond and the one hundred feet surrounding it have the standard wetlands protection offered by the Conservation Commission, but there is no protection for the rest of the property. A cluster of buildings or parking lots could be constructed around the pond and could cover the rest of the land.

We strongly encourage the City of Newton to take action to protect this unique and irreplaceable tract of land. The following scenarios are possibilities:

- **Buy the entire site outright** from the current owner, Mishkan Tefila, with money obtained through the Community Preservation Act or other public funds.

- **Buy only the open-space part of the site and the western parking lot,** leaving the already-developed area to be used for religious or educational purposes, as mandated by the state regulations.
- **Advocate for a conservation restriction and a public-access easement on all of the undeveloped land as well as on the western parking lot** (which is surrounded by undeveloped land). This would leave the currently built-up land and the adjacent parking lots for the owner to use.

For decades, our members and other Newton residents have enjoyed hiking through the woods of the Mishkan Tefila land. Long-time member Octo Barnett is an ardent admirer of the land and wrote that he sees history written in its stones. More recently, Boston University Professor Richard Primack told the attendees at our 2015 annual meeting that he learned how to be a biologist by exploring those same woods. Brandeis University sustainable biologist Dr. Eric Olson leads annual Newton Conservators' walks to find the salamanders in the vernal pond. With Dr. Olson's instruction, the land serves as an important tool to teach children and adults about nature.

It is our concern that if the City does not take action to protect this land now, its treasures might not exist for the citizens of Newton in future decades. Please help us to preserve this very important open space

Sincerely,

Beth Wilkinson, President

On behalf of the Board of Directors
of the Newton Conservators



July 26, 2017

Dear Newton Mayoral Candidates,

The mission of the Newton Conservators is to promote “the protection and preservation of natural areas . . . for the enjoyment and benefit of the people of Newton for scientific study, education, and recreation.”

Officers

Beth Wilkinson, President
Chris Hepburn, Vice President
AnnaMaria Abernathy, Secretary
Katherine Howard, Treasurer

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Peter Kastner
Alison Leary
William Leitch
Don Lubin
Brooks Mathewson
Eric Olson
Anne Pearson
Richard Primack
Eric Reenstierna
Jon Regosin
Patricia Robinson
Jane Sender
William Shaevel
Verne Vance
Willis Wang
Brian Yates

The middle section of the Webster Woods, currently owned by Boston College, serves all of these purposes. University professors like Richard Primack have done research in the woods; our walk leaders such as Eric Olson have taken students and other residents of Newton into Webster Woods to learn about the plants and animals of the woods; and many of Newton’s citizens love to walk the paths through the woods. There are few other areas of the city where one can feel as much in a forest as here.

For almost two years, the Newton Conservators has worked with the Friends of Webster Woods to preserve this land. The Board of the Newton Conservators fully supports the letter sent to you by the Friends of Webster Woods on July 4. We hope that you will commit to the actions it proposes.

In addition, we would like to clarify our thoughts about what preserving “at least the wooded area” should include.

We believe that the city should take the following steps:

- Acquire outright, or through conservation restriction, the following areas of the Boston College property:

- (1) The wooded area west of the rear parking lot (i.e. the large wooded parcel that contains the Bare Pond vernal pool),
- (2) The rear MASCO parking lot that adjoins Bare Pond, and
- (3) The wooded area between that rear parking lot and the pavement adjacent to the western side of the temple building.

- Restore the rear (west-most) parking lot and its driveway to a natural condition. We believe that the extremely close proximity of this parking lot to Bare Pond threatens the vernal pool itself.

- Grant to the Newton Conservators or another organization a permanent conservation restriction on all city-owned land comprising Webster Woods.

- If the above land is not acquired by the city but is protected by a conservation easement granted by Boston College, arrange that Newton Conservators or another organization hold that conservation restriction.

We believe that including these areas in the acquisition and protection will best preserve Webster Woods, rectify an environmental error made when that parking lot was built, protect the vernal pool, and enhance the overall open space, without detracting from the development potential of the area around the building.

Furthermore, we hope that you will give consideration to removing and restoring the small parking lot immediately adjacent to Hammond Pond Parkway, and to replacing

the hazardous driveway access to the site with safer access via the signalized intersection and driveway that now serves the Towers of Chestnut Hill and the Shops at Chestnut Hill. While this would involve coordination with DCR, it is likely that all parties could agree to make this important safety improvement.

We request that you respond to this further clarification of the specific area of the property we think should be preserved.

We will publish the responses from all mayoral candidates on our website as we receive them. On August 21, we will send a message containing the responses (up to 1000 words per candidate) to all of our members.

Please don't hesitate to contact us if you have any questions—either at the PO box on this letter or at President@NewtonConservators.org.

All the best,

Beth Wilkinson, President

On behalf of the Newton Conservators Board

Department of Biology
Boston University
5 Cummington Street
Boston, MA 02215, USA

September 9, 2015



Dear Newton Conservators,

I strongly urge you to take action to preserve the woods area currently owned by Temple Mishkan Tefila. These woods are bordered on three sides by conservation land. At present, these separate parcels of land represent one large block that protects the diversity of species living in the woods and creates a wonderful recreational experience in the middle of a densely settled suburban landscape.

This forest area is especially noteworthy for the protection of spotted salamanders, which breed in Bare Pond and elsewhere in the woods, as well as pink lady slipper orchids and other wildflowers. The woods also has many other noteworthy examples of plant species, forests, land use patterns, and geology. Classes from Boston University, Boston College, and other educational institutions use these woods for class field trips and observations.

If the Temple land were to be developed in some way, this would leave the remaining parcels of land isolated from each other. The result would be a forest that is not as pleasant to walk in, with building and roads constantly visible. It is likely that many forest species of both plants and animals, including the spotted salamanders, would decline in abundance or even die out if the woods were fragmented into smaller pieces by development, leading to lower moisture levels, higher light levels, and more human disturbance.

On a personal note, these woods, which are close to my home of 60 years, had a tremendous influence on me during my childhood (and that of my brother Mark and friends), my university studies, and the growing up of my own children. These woods provided and still provide, a nearby opportunity for children to experience the wonder and excitement of being in nature, with no buildings and roads in sight. In these woods I learned the skills of navigating across a forest landscape that I later used in my career as a plant ecologist at sites around the world. My brother Mark became one of the leading land trust managers in Massachusetts. Also, these woods are where I learned to identify plants and to carry out detailed observations of plant ecology and conservation and where I taught these same skills to many classes of students and neighborhood children. A large number of insights that I developed from these woods have also been incorporated into my scientific articles and my textbooks in conservation biology that are used across the United States and around the world.

If these woods are fragmented and damaged by the development of the Temple land, the value of these woods for the protection and enjoyment of nature will be

diminished for Newton citizens of this and future generations. I urge you to take action to protect these woods.

Sincerely,

Richard Primack
Professor of Biology
primack@bu.edu
1-617-353-2454



July 4, 2017

Dear Newton Mayoral Candidates:

We are Newton residents who care deeply about Webster Woods, the largest contiguous parcel of open space in Newton. As you may know, most of Webster Woods is owned by the City of Newton and the state Department of Conservation and Recreation. Fortunately, these portions are permanently protected.

However, in the middle of these two protected, publicly owned portions is a twenty-two acre area of wooded open space now owned by Boston College. This privately owned area is an integral part of the woods, with numerous hiking trails running through it that are used regularly by many visitors and that connect to the publicly owned areas to the north and south. This area also contains a vernal pool, a rare resource in Newton, which functions as a breeding pond for tadpoles and salamanders.

Webster Woods is an open space gem. For many years, it has offered Newton residents and many others abundant recreational opportunities, such as hiking, jogging, cross-country skiing, and even cave-visiting. It also has high scientific value. As detailed by biologist Richard Primack, these woods have been used by nearby universities for studies of the biology of pink lady's slipper orchids, wildflower restoration programs, and the effects of climate change.

Given that the privately-owned area is right in the middle of these woods, any development of it would inevitably and seriously degrade the publicly owned open space on both sides and would undermine the public investment that has been made in this open space.

Due to the unique value of these woods, and the threat posed by the potential for future development by a private owner (especially after the expiration of the current restriction on all development that is not educational or religious), the Newton City Council, the Newton Conservators, and the Newton Conservation Commission have all strongly supported the City taking action to permanently protect the portion of the woods owned

by Boston College. And neighbors of these woods have pledged to contribute very significantly to the costs of such protection.

We ask that as a candidate for Mayor, you make the following commitment:

1. You state that it is a top priority of yours that the City permanently protect this area.
2. You form a citizen's advisory group to assist in this effort, and meet with the group on a quarterly basis.
3. Within two years from taking office, you negotiate an agreement with Boston College that includes permanent protection of at least the wooded area.
4. Within two and a half years from taking office, you submit necessary approvals to the Community Preservation Act Committee and the City Council to finalize and implement the agreement with Boston College.
5. If despite your best efforts you are unable to forge an agreement with Boston College, you fully support a taking by eminent domain that ensures no development of this area and continued public use of it.

We appreciate your consideration of this vital open space protection opportunity. Please confirm in writing your agreement with this request. We would appreciate a response within thirty days, and are happy to discuss this further with you if you would like.

Signed,

AnnaMaria Abernathy
Anna A. Allen
Rory J. Altman
Joan Balaban
Peter Barrer
Adrian Bradley
John Chadis
Sandy Chadis
Annie Cole
Josh Coval
Doug Dickson
Judith Di Leo

Bev Droz
Kat Eutsler
Deena Freed
Joshua Freed
Lynne Friedlander
Steve Garfinkle
Jeff Goldman
J. Christopher Hepburn
Katherine Howard
David Hruska
Kenneth Kimmell
Rebecca Kornblatt

Daniel Krasa
Jonathan Landman
Rebecca M. Mayne
Tatjana Meschede
Steven Miller
Lucy Ogburn
Willard Ogburn
Gordon M. Orloff
Carol Sklar
Phil Stern
Susan Stern
Beth Wilkinson

received by CPC staff 7 September 2018

Webster Woods Advisory Panel
c/o Law Department, Newton City Hall
1000 Commonwealth Ave.
Newton, MA 02459

September 5, 2018

Newton Community Preservation Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Members of the CPC,

We, the undersigned members of the Webster Woods Advisory Panel, are writing to inform you of our strong support of the "Phase 1. Pre-Acquisition Proposal for 'Webster Woods,'" for which you are holding a hearing on Thursday, September 13.

We believe that the preservation of the wooded portion of the land (potentially with an appropriate buffer as well) at 300 Hammond Pond Parkway is critical for its ecological value and public access. It is the largest privately owned wooded property in Newton. When joined with the adjacent Department of Conservation and Recreation Hammond Pond Reservation and Newton's Webster Conservation Area, it is the core of the largest contiguous piece of open space in Newton. We believe that we must seize this opportunity to ensure that the property is protected from development.

The Newton City Council also recognized the importance of this property in its unanimous 2015 Resolution requesting the Mayor "to work to preserve the recreation and conservation character of 300 Hammond Pond Parkway."

We urge you to approve the proposal for legal counsel and other experts that would help to develop the protection strategy.

With thanks,

Members of the Webster Woods Advisory Panel

Lisle Baker
Peter Barrer
Dan Brody
Kathy Cade
Suzanne Carleo
Jeffrey Goldman
Barney Heath
Ken Kimmel

Eric Olson
Richard Primack
Stephen Small
Jennifer Steel
Ira Wallach
Beth Wilkinson
Jonathan Yeo