



Ruthanne Fuller
Mayor

Newton, Massachusetts Community Preservation Program FUNDING REQUEST

PRE-PROPOSAL

PROPOSAL

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

(For staff use)
date rec'd:
21 June 2018,
revised 3 July
2018

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	Newton Conservation Commission, c/o Jennifer Steel, Chief Environmental Planner	jsteel@newtonma.gov	617.796.1134
Other Contacts	Beth Wilkinson, Chair of 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.) Seek donations and grants (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 pre-proposal asks the CPC to agree to consider an off-cycle full proposal for pre-acquisition costs for the wooded portion of 300 Hammond Pond Parkway, known informally as “Webster Woods.” The funds would cover a supplemental appraisal (with consideration of likely development scenarios) for use in a taking (eminent domain) if necessary, and outside counsel with expertise in conservation and eminent domain.</p> <p>Intended outcomes of Phase 1: Pre-acquisition</p> <ul style="list-style-type: none"> a) Appraiser <ul style="list-style-type: none"> i) An appraisal (that will hold up in a takings proceeding), ii) Costs of differing protection scenarios b) Outside counsel <ul style="list-style-type: none"> i) Memorandum identifying recommended strategies for acquisition c) Committee <ul style="list-style-type: none"> i) Optimal protection strategy (CR or ownership in fee), ii) Identification of funding sources and method (debt vs. direct financing, possibly a combination), iii) Report on Phase 1 iv) Request for off-cycle funding of Phase 2: Acquisition <p>See attachment for project background.</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) • The added value that this central parcel provides to adjacent State and City-owned open space parcels • Habitat and habitat connectivity for wildlife • The ecological value of 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
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
Jennifer Huntington	granx4@gmail.com	617-965-5063	20 Berkshire Road Newton, MA 02460
Fred Hochberg	hochbergfred@gmail.com	617-678-8657	18 Clovelly Road Newton 02467
Doug Dickson	doug dickson17@gmail.com	617-969-8661	17 Oxford Road Newton 02459

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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		
Appraisal		\$ 25,000
Counsel		\$ 80,000
D. TOTAL USES (should equal C. on page 1 and E. below)		\$ 105,000
Sources of Funds	Status (requested, expected, confirmed)	
CPC funding		\$ 100,000
City of Newton Legal Department		\$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		
Annual maintenance responsibilities will be assumed by the Newton Conservation Commission		\$2,000
F. TOTAL ANNUAL COST (should equal G. below)		\$2,000
Sources of Funds		
G. TOTAL ANNUAL FUNDING (should equal F. above)		\$2,000
Project TIMELINE	Phase or Task	Season & Year
Phase 1. Pre-acquisition (See attached graphical timeline for details)		
	Solicit proposals from attorneys and appraisers	June 2018
	Submit full proposal for pre-acquisition to CPC	August 13, 2018
	Appraisal complete	Dec 2018 - Mar 2019

Project TITLE		“Webster Woods” Phase 1. Pre-acquisition	
↓ Check off submitted attachments here.			
REQUIRED.	✓	PHOTOS	of existing site or resource conditions (2-3 photos may be enough)
	✓	MAP	of site in relation to nearest major roads (omit if project has no site)
Pre-proposals: separate attachments not required, just use page 3 of form. Full proposal: separate, detailed budget attachments REQUIRED.	PROJECT FINANCES printed and as computer spreadsheets, with both uses & sources of funds		
	✓	development pro forma/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	
These attachments are REQUIRED only for full proposal.	SPONSOR FINANCES & QUALIFICATIONS, INSTITUTIONAL SUPPORT		
		for sponsoring department or organization, most recent annual operating budget (revenue & expenses) & financial statement (assets & liabilities).	
		for project manager: relevant training & track record of managing similar projects	
		CAPITAL IMPROVEMENT PLAN	current listing/ranking & risk factors for this project
		COVER LETTER	from head of City department, board or commission confirming willingness to accept custody, of the resource and commitment of staff time for project management.
	SITE CONTROL, VALUE & DEED RESTRICTIONS, PROPERTY HISTORY		
		legally binding option, purchase & sale agreement or deed	
		appraisal by an independent, certified real estate appraiser (the CPC may also commission its own, separate appraisal)	
		City commitment to a permanent deed restriction for open space conservation and public access	
		Conservators agreement to hold the permanent deed restriction	
		brief property history: at least the last 30 years of ownership & use (ask CPC staff for assistance with sources)	
	CPC staff note to CPC: Staff believes these normally required attachments are not applicable to this project. Please confirm.	ZONING & PERMITTING	
n.a.		short email confirming review by the Development Review Team (DRT)	
n.a.		environmental mitigation plans: incl. lead paint, asbestos, underground tanks	
n.a.		zoning relief and permits required: incl. parking waivers, demolition or building permits, comprehensive permit or special permit	
n.a.		other approvals required: Newton Conservation Commission, Newton Commission on Disabilities, etc.	
DESIGN & CONSTRUCTION			
n.a.		professional design & cost estimates: include site plan	
n.a.		materials & finishes; highlight “green” or sustainable features & materials	
OPTIONAL, only for full proposal.		LETTERS of SUPPORT	from Newton residents, organizations, or businesses

“Webster Woods” Project Background

300 Hammond Pond Parkway, currently owned by Boston College (recently owned by the Congregation Mishkan Tefila) contains is the largest piece of entirely undeveloped private land in Newton, consisting of wooded land to the rear of the former Temple Mishkan Tefila, an undeveloped parking area, and other wooded land beyond. This land, together with the adjacent parcel to the South owned by the Massachusetts Department of Conservation and Recreation (whose predecessor agency, the Metropolitan District Commission, sold this land to the Temple over sixty years ago) and Newton’s Webster Conservation Area to the north, is the largest contiguous area of natural open space in Newton. This land, known informally as Webster Woods (as the land sold to the Temple was originally donated to the MDC by the Newton Webster family) 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, neighbors have walked the trails and other parts of the wooded portion of 300 Hammond Pond Parkway.

Protection of the wooded portion of this parcel, and potentially an adequate buffer near the vernal pond, 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.”

PROJECT FINANCES

Phase 1: Pre-Acquisition of “Webster Woods”

- Appraiser – Provide an appraisal specifically designed to “hold up” in a takings court case (flat fee).....\$ 25,000
- Outside counsel familiar with conservation land takings cases (up to \$600/hr)\$ 80,000

Additional scope of work for both consultants:

- Review & evaluate protection scenarios: 12.2 acres, 13 acres, or 15.8 acres; in fee acquisition vs. conservation restriction
- Meetings with City staff

Additional scope of work for counsel only:

- Review files (80 hrs)
- Develop recommendations that address issues of parameters of acquisition, access, etc. (20 hours)
- Meetings with BC (33 hrs)

Phase 2: Acquisition of “Webster Woods”

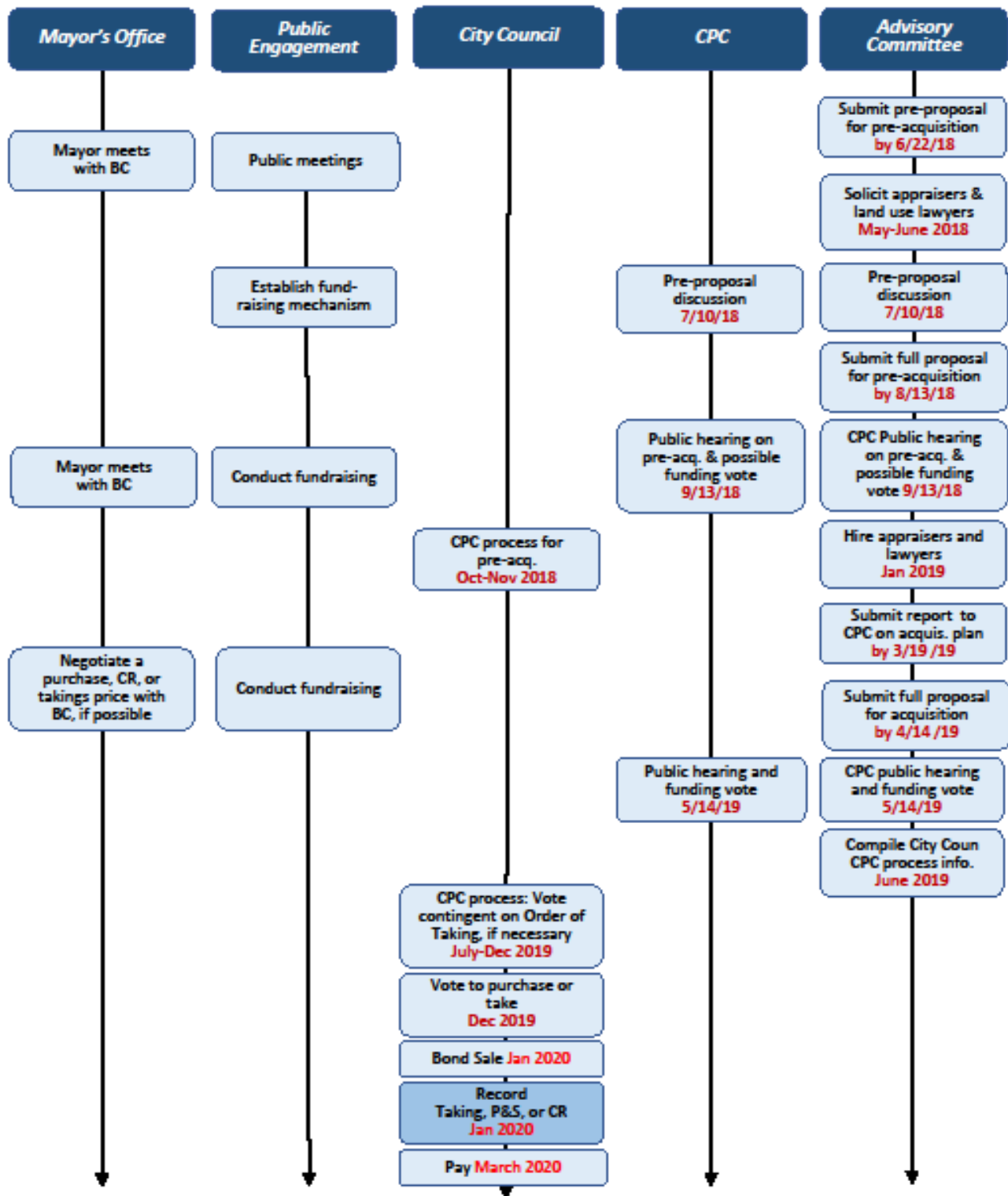
We anticipate coming back to the CPC to request funds for the acquisition of “Webster Woods” by the end of 2019. Based on the appraisal conducted on behalf of the City by Avery Associates in 2017, we estimate acquisition costs will be roughly \$4M.

Please note that if eminent domain is employed, funds must be available and transferred within 60 days of the taking (per state law). This requirement limits our ability to rely on grant funding and requires us to focus instead on private fundraising. Formal broad-based fundraising efforts will begin once a municipal strategy is announced.

We anticipate that we will request \$3.9M from the CPC and that we will raise \$100,000 in private donations.

The attached draft schedule is intended to ensure adequate review by the CPC of the new appraisal, recommended acquisition strategy, and final acquisition costs.

Webster Woods Protection Timeline
DRAFT 6/21/18



Details for CPA process on next page. →

