



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Thursday, May 7, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Baker, Krintzman, Leary, Ryan, and Wright
Also Present: Councilors Kelley, Greenberg, Markiewicz, Malakie, Kalis, and Downs

Planning Board: Peter Doeringer (Chair), Sonia Parisca, Jennifer Molinsky, Kevin McCormick, and James Robertson

City Staff: Jennifer Steel, Senior Environmental Planner; Claire Rundelli, Assistant Environmental Planner, Barney Heath, Director of Planning and Development; Nicole Banks, Commissioner of Parks, Recreation and Culture; Jonathan Yeo, Chief Operating Officer; Luis Perez Demorizi, Open Space Coordinator; Katy Hax Holmes, Senior Planner; Carol Stapleton, Rec Program Manager; Nathan Giacalone, Committee Clerk

#178-20 Adoption of the Open Space and Recreation Plan Update

DIRECTOR OF PLANNING requesting discussion of the 2020-2027 Open Space and Recreation Plan, a letter stating that the Zoning and Planning Committee reviewed the Plan, and adoption of the plan as an amendment to the 2007 Comprehensive Plan.

Action: **Zoning and Planning Held 8-0; Public Hearing Closed 05/07/2020**

Notes: Chair Crossley introduced the item and noted that an overview of the Open Space and Recreation Plan (OSRP) was introduced at the March 23rd Zoning & Planning meeting. Jennifer Steel will present key elements of the plan, after which we will open the public hearing.

Ms. Steel reiterated that the OSRP is a seven-year plan and is required to be in effect for the city to apply for state grants. The current plan expires at the end of May 2020. The 188-page OSRP includes an overview of the history of open space protection and development in the City, current inventory, challenges, and environmental conditions. This presentation focuses on the needs, vision, goals, and objectives derived from a careful citywide assessment and well-attended public input sessions.

There were online surveys and public listening sessions. Ms. Steel highlighted how the proposed OSRP is an improvement over the 2014-2020 Open Space Plan, the results of community feedback, and the six goals that organize the plan. These goals are:

1. Engage in strategic implementation
2. Increase Maintenance and Improvement

3. Increase Accessibility
4. Minimize Gaps in the Availability of Open Space Resources
5. Expand Connectivity
6. Optimize legal Protections

Ms. Steel then presented specific objectives within each goal for maintenance and improvement, accessibility, availability, connectivity, and protection, which will be used as guides for implantation. Her PowerPoint presentation is attached.

Ms. Steel concluded the presentation with a timeline, explaining that the public comment period ends on May 14. Staff will then work to incorporate public feedback as it edits a second draft. The draft will be sent to DCS, the Mayor, and the MAPC for preliminary review. The final draft will then be sent to the DCS for approval. This final draft will be presented to the City Council for a vote to adopt it as an amendment to the comprehensive Plan. City Council adoption and the associated process is entirely up to the City; DCS does not require any such adoption.

The OSRP tries to identify the most important actions, not precise priorities and not the specifics of each action, especially with the city funding in such a state of uncertainty right now.

Committee members began by asking a few questions as follows:

This is a dense document, could the public comment period be extended for a week until May 21 to give people more time to understand the OSRP?

A: The current plan will expire at the end of May at which point grant eligibility will end. An extra week will cut it close, but it may be possible.

A letter received expresses concerns over which city agencies will control certain assets. Will these decisions be made between the two drafts, allowing the Committee to move the first draft forward? Or do these decisions have to be made before submission of the draft?

A: Every action in the plan is a recommendation. In gathering public input early in this year, some asked to have a conversation on the most efficient/effective means of open space management. Currently the Conservation Commission and the Parks, Recreation and Culture Department have custody over certain parcels. They use their own contractors. They also work with the various Friends groups. The OSRP identifies that discussions should be had to determine whether there are opportunities to increase efficiency and effectiveness of the management of the City's open spaces.

Has the plan considered repurposing underused parking lots for future developments for use in future open space projects?

A: The OSRP has not gotten into this level of specificity. A few parcels have been identified for development, but the OSRP does not have a dedicated section on repurposing parking lots.

The Public Hearing was opened.

Kathleen Kouril Grieser spoke on behalf of the Bullough's Pond Association in support of the OSRP. She agreed with comments to increase the period for public comment. She also stated that this plan should be further developed before being sent to the state. She referred to a letter sent to the Council today from BPA President Laura Studen, noting concerns that there would be duplication in effort if Conservation (part of the Planning Department) engaged in management activities. She also noted her interest in seeing the Planning Department looking ahead to acquire more public space for Newton.

Alan Nogee said the draft plan represents a large amount of good work with a clear commitment to stewardship, maintenance, and protection of land. He appreciates that there is no stated intent to prioritize certain projects, but the plain language appears to do this as the terms used in certain action items range from "renovate" to "explore" and "consider." If prioritization is not the intent then the language should be changed to reflect this. He also supports greater dialogue between city agencies which manage public spaces to improve coordination and avoid duplication.

Jeff Zabel said that he thinks the most important step to make the plan effective is the implementation committee (described within the plan) to prioritize actions according to how well they meet the goals. He also agrees that the Council needs to pay attention to how this Committee is formed and what its purview will be.

Rena Getz agreed with earlier requests to extend the period for accepting public comment to make the draft as good as it can be before being submitted to the state for approval.

Harry Sanders said that formalizing a plan does not mean a more efficient handling of the situation. The ongoing COVID-19 crisis may lead to more unfunded mandates and thus more uncertainty. The city should consider greater use of volunteers and Friends groups in light of these uncertainties, and the OSRP does not cover volunteers enough.

Carolyn Kraft said that her concern is whether the mention of evaluating the management structure meant that there is an intention for using Newton's open spaces for other purposes. Is there a loophole (in the OSRP) that would allow using these spaces for development?

A: No. One objective is to identify high priority key parcels that need more legal protection such as conservation restriction or a confirmatory deed. There is no land-grab intended by the OSRP.

Bob Jampol liked all of the projects described in the OSRP but was concerned that there would not be enough funding for them all. As a member of a Friends group, Mr. Jampol said that he hopes to a void a situation where these groups are fighting with each other for funding.

Nicole Banks, the new Commissioner of Parks, Recreation and Culture, said that since beginning her job two months ago, she has worked to review the OSRP and has had many positive interactions and conversations with city departments regarding the OSRP.

Katherine Kouril-Grieser said that she thought it would be a good idea to invite the leadership of the Friends groups to a meeting with Ms. Steel and Ms. Banks to talk about their experiences managing Newton's open spaces to share their different strategies.

Joyce Leonardo asked whether Ms. Steel has had time to study the impact on personnel from transferring the maintenance responsibilities from Parks, Recreation and Culture to Conservation since Parks, Recreation and Cultures uses more city employees and Conservation utilizes more contractors?

A: This was discussed earlier, that the OSRP has one action stating that all stakeholders in open space management gather for conversations about best management practices going forward. The OSRP does not determine that course of action.

The Zoning & Planning Committee voted 8-0 to close the public hearing.

Councilor and Committee member questions, answers, and comments are as follows:

Part of the challenge is that open spaces are looked after by both the conservation commission and Parks, Recreation and Culture. These two bodies need to continue working together to determine how to best balance their duties. There are also legal challenges presented with the difference between conservation land and park land that will need to be explored. There needs to be more conversation around the Implementation Group as it does not clearly specify who needs to be involved with it.

This plan is designed as the first step for other plans and a foundation for later plans, not a specific manual for project implementation. In some cases, the details should not be worked out ahead of time.

What was the objective of reviewing the management of open spaces? Is there an explicit requirement in the plan?

A: It is a topic that has been raised in prior OSRPs and in public comment.

There should be an objective within the OSRP to focus on raising money specifically for Newton to meet the goals within the plan.

How do the priorities account for parks that do not currently have Friends groups to take care of them?

A: The Conservation Office has organized a group of volunteer stewards for individual conservation parcels. They serve a variety of functions such as monitoring and direct upkeep. There are also other programs and initiatives currently in place that Newton residents can use to get involved in open space management.

Would it be possible for the OSRP draft to go before the full Council for approval before it gets submitted to the state?

A: Yes, City Council adoption and the associated process is entirely up to the City; DCS does not require any such adoption. All that the state requires is a letter of support from the "Planning Board" (i.e. P&D). A letter from the Mayor is required. A letter of support from the Council is recommended but not required.

Once the Implementation Committee is formed it can make recommendations on a variety of subjects. Does it need an official ordinance or is it done through the mayor's office?

A: The Climate Action Plan serves as a good model for structuring the Implementation Committee. Staff will better articulate that model within the OSRP.

The difference between the groups behind the OSRP and the Climate Action Plan is that the Citizens' Energy Commission worked with the city as an official group on the Climate Action Plan. How best should the Implementation Group for the OSRP be made official?

A: An official designation for the OSRP Implementation Group would be ideal. It is important to keep in mind that the language in the plan is intentionally broad as the state is not looking for the same level of specificity that the city would be. The most important step right now is to get a broad plan to the state for approval so that the city has more flexibility in how it deals with the plan.

When does the old OSRP expire? If the Zoning & Planning Committee votes to recommend the OSRP at its May 19 meeting, what happens when it moves to the full Council?

A: The current OSRP expires on May 31. The vote is first on whether P&D supports the OSRP so that a letter for support can accompany the submission to the state. If the Council supports the OSRP it can also submit a letter to the state, which is advised. Secondly, Council will vote on whether to adopt the OSRP as part of the Comprehensive Plan.

Provided it would not interfere with the work of the Planning Department on the OSRP, the Committee should hold the item so that further questions on the current draft can be answered.

The OSRP should not delve deeply into the details of the Implementation Team. The Implementation Team is a critical component that should be set up carefully and with input from many players.

How much does Newton typically receive every year in open-space related grants?

A: The exact figure is not available now, but it is significant.

Is it possible for the Council to extend the applicability for the current plan to account for any gap?

A: No, this deadline is a state requirement. A request can be made of the state to change this deadline, but no guarantee can be given.

The Committee came to consensus to extend the public comment period through Monday May 18, one day ahead of its next meeting.

The Planning & Development Board retired to a "Zoom" breakout room to deliberate on the item. It voted to hold the item and reconvene with the Zoning & Planning Committee on May 19.

Councilor Danberg motioned hold which carried 8-0.

#29-20 **Review and possible amendment of Demolition Delay and Landmark Ordinances**
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS,
KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON
requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76
that relate to demolition delays, historic designation, and landmarking.

Action: **Zoning & Planning Held 8-0**

Notes: The Chair opened the item, noting that the historic ordinance working group has nearly completed revisions to the landmarking section of the ordinance. The working group came to unanimous agreement on most items within the proposed draft. Items that could not be decided, or where there was some disagreement, are highlighted in the text for further Committee discussion. Director Heath, Katy Hax Holmes and Andrew Lee, who staff the working group, joined the Committee for this discussion. The working group members are Councilors Albright, Baker, Crossley, and Kelley, along with Newton Historical Commission (NHC) representative Doug Cornelius. Director Heath and Atty. Lee presented the ordinance, describing its restructuring, intent to clarify both criteria and procedures, and comparing the proposed draft to the current ordinance. The PowerPoint presentation and draft ordinance is attached to this report.

As Director Heath presented each section of the ordinance, Atty. Lee highlighted items that require further discussion. Clarifications on eligibility for nomination, who may nominate, public notice requirements, criteria for acceptance or rejection of nomination, the role of the NHC, the role of the Planning and Development Board (P&D Board), public hearing requirements, designation criteria, voting requirements for designation, and administrative and judicial appeal options were presented.

Flow charts showing the current versus the proposed decision-making process were also shown, primarily to compare notice periods between the current and the proposed ordinance.

The Chair requested that in their discussion, Councilors provide feedback on the matters identified as unresolved by the working group:

- Regarding staff determining eligibility-was there something gained by having an impartial outside body making the decision for properties not on the National Register (Formerly done by Mass Historic)?
- Regarding who nominates, if Councilors are able to nominate properties, should at least one nominating Councilor be from within the ward in which the property is located?
- Regarding who nominates, should two members of the NHC alone be able to nominate a property, or should the second nomination be from outside that body?
- Settle the appeals process: should there be a local administrative body and to what degree should its role be substantive versus procedural.

Committee member and Councilor questions, answers, and comments follow, organized according to topic area:

Multiple Councilors commended the quality of the effort put in by the staff and working group to date.

What is the process on this item going forward?

A: The plan is for the working group to finish its work, incorporating feedback from this session and interim and for this ordinance to come to a final review and vote before the Committee at the May 19th Zoning & Planning meeting. In the meantime, Councilors can be considering this draft in order and ask questions of the working group in advance of May 19.

Regarding notification:

Is it intentional for different notification methods to be used for direct abutters only for hearing nominations and (then expand notification to) those within 300 feet of the affected property for the Public Hearing?

A: Yes. The current practice is to only notify direct abutters for considering nominations. In the proposed ordinance there are different notification procedures for the nomination and designation stage. This is because if a property is not nominated the process ends. If the process continues past the nomination stage, then abutters further out from the property are notified as there is a greater chance the property will receive the designation.

One Councilor thought that the public notice of 14 days should be lengthened, perhaps to two different stages, within 30 days.

Regarding who may nominate:

Councilors were divided on whether there needs to be a Councilor from the ward if another Councilor nominates a property for landmarking.

One said: Any councilor should be able to nominate any property from any ward. But if the Council is to better work together on landmarking, then Councilors should at least speak with the councilors from a ward about a property they wish to nominate for landmark designation.

Another felt that the proposed ordinance narrows who may nominate and creates an unnecessary choice between development and historic preservation.

The Chair noted that there have been multiple unanimous decisions in the working group, such as requiring at least two people to make a nomination.

Others said: Although a nomination can come from a Councilor from anywhere, it should be required that this also involves at least one Councilor from the ward.

A Councilor felt that if the NHC is removed from the nomination process, then any Councilor should be able to nominate any building from any ward in case the three Councilors from a certain ward chose against historic preservation.

A: The working group has discussed, and will continue to consider whether, if Councilors continue making nominations, should one of them be from the ward and should notification of that ward's councilors be required before the process proceeds.

A Councilor expressed support for removing two NHC members alone to make a nomination. She would like to hear more discussion on requirements to have one of the nominating councilors be from the property's ward as sometimes the Council acts too much based on individual wards instead of the City as a whole.

Some working group members and Councilors felt it is important for NHC members to retain the ability to nominate properties on their own. Others questioned whether NHC input on nominations presents a conflict of interest with their voting authority.

Regarding Eligibility and Designation Criteria:

What is meant by considering a property in context in relation to City policies and adopted plans in the property's surrounding area?

A: This is designation criteria that the NHC should consider in its decision on whether to designate a property for landmarking: the property's context in relation to the City's plans for the surrounding area. Such plans are normally adopted as part of the Comprehensive Plan (Climate Action Plan, Washington Street and other vision plans, etc.). The Planning Board may make a recommendation to the NHC regarding how well landmark designation of the property would align with these adopted plans.

The eligibility and nomination/acceptance criteria of "excellent craftsmanship" for nomination seems too broad to have as a criterion for landmark eligibility as the highest level of protection in the city.

A: You are talking about the proposed eligibility criteria and the current designation criteria as these are the same. This is a major change since the designation threshold criteria in the existing ordinance were thought to be too broad. What has been done is that the same criteria have been moved to the start of the process at the nomination eligibility stage. It is intended to be broader at this stage, but the requirements tighten up as the process continues (the nomination criteria must be vetted by further research).

Regarding Appeals:

If a local administrative body is used over the courts, does this alter the standard of review?

A: This exact point has not been finalized yet. The local administrative bodies prescribe no statute and no law states that it must be any particular way. These allow the city more flexibility.

A Councilor added that the intent behind revisions to the review process was to imitate the standards of the MAPC as if it had remained in the process. Atty. Lee confirmed that MAPC will not perform this role. The landmark ordinance is built on local home-rule initiatives, allowing the City more flexibility in this process.

There are administrative review options which differ. One option is simply reviewing the information originally brought to the historic commission regarding the property in question. Another option is those that allow new evidence. The working group will continue to discuss which approach is best.

It was noted that based on much of the feedback received and impetus for engaging in this review, there needs to be a more accessible appeals process.

Some councilors felt that it is good to have an administrative review as an alternative to the judicial review.

One Councilor said that establishing a local administrative body is a good idea, but the working group should consider the difficulty of finding enough volunteers at times to run such a body.

A: As presented, the working group recommended that three members serve on an administrative appeals body: the Chair of the Urban Design Commission, the Chair of the P&D Board, and the Chair of the Historic District Commissions, or their designees. This is to provide flexibility and a large enough pool to draw from.

Is there a provision to save the facades on historic buildings up for demolition in cases where this is feasible, and the facades are historically significant?

If there is an administrative review, should it focus on critical process details rather than hearing the entire case over again? Should new evidence be allowed?

A: There is not yet consensus on this point in the working group. IT continues to discuss how best to clarify the standards for appeal.

Miscellaneous:

Is there a binding result from the administrative review? What is its intended reach?

A: If the Council pursues an administrative review, an aggrieved person can then appeal for a judicial review in superior court. It is believed that the clearer standards and procedures in the ordinance as revised will make appeals less likely.

Has the NHC seen these conditions?

A: The NHC is represented on the working group by Doug Cornelius. Ms. Holmes noted the draft was put on their April agenda for discussion, but the meeting went late so they tabled the item. NHC has not had a chance as a group to discuss these changes yet. NHC members received the draft revisions in advance of their April 23 meeting to begin reviewing for their next meeting.

One Councilor thought the orientation of this draft ordinance seems to be to make landmarking harder. The push in the city right now seems to be pro-development but that could change. If a historic building is demolished as a result of this process, then it is lost forever.

Another Councilor countered that the proposed ordinance is not making it harder to landmark properties, but rather makes the process clearer and fairer for all parties involved.

What is the number of years for properties to be eligible and will this timeframe be reviewed? Is the one-year moratorium on restarting the landmark designation on a previously denied property going to remain?

A: This has to do with the demolition delay ordinance rather than the landmark ordinance. If a property is more than 50 years old, the NHC is charged to decide whether a property should be 'preferably preserved,' and if so, there is a delay placed on its partial or full demolition. That is the next section of this ordinance the working group plans to address.

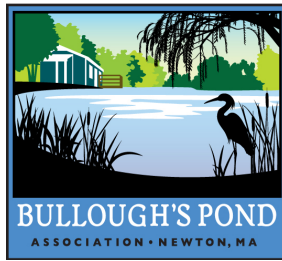
Multiple Councilors urged members of the public to submit comments on the proposed landmark ordinance to the Clerk's Office for distribution to the working group and Council.

Councilor Albright motioned hold which carried 8-0.

The meeting adjourned at 10:16 PM.

Respectfully Submitted,

Deborah J. Crossley, Chair



May 7, 2020

Members of the City Council
Members of the Planning & Development Board
City of Newton, Massachusetts

Dear City Councilors and Board Members,

I am writing to you in my capacity as president of the Bullough's Pond Association (BPA), on behalf of the board of directors and the membership, in response to particular language in the draft new version of Newton's Open Space and Recreation Plan. Bullough's Pond is both a park and an open space. It attracts both passive and active recreational users. It is both an outstanding natural, historical and practical (flood control) resource. The pond anchors the surrounding neighborhood with its outstanding beauty, and is a place enjoyed by walkers, runners, birdwatchers, kayakers, fishermen, model yacht enthusiasts, artists, tai chi and meditation practitioners, and science classes from the Newton schools.

The BPA, a 501c(3) non-profit entity, has been the steward of the pond for the past 37 years. The organization was founded in 1983 by the late Betsy Leitch and other residents in the neighborhood who were concerned about the then-deteriorating condition of the water and banks of the pond. The BPA lobbied and assisted with the City's effort to obtain state and federal funds for the 1993 dredging of the pond, to address eutrophication and downstream flooding risks associated with storm-drain-related silting of the pond. Since 1983, the BPA has enjoyed a steadily growing membership and a healthy fundraising record. Several hundred local households are members, and most renew year after year. We have strong volunteer participation at NewtonServes and other clean-up days.

The BPA has used its funds to pay for landscape maintenance, to fund the BPA scholarship for Newton High school seniors, to maintain a richly detailed and informative website, and to host events like the Bullough's Pond 350th Anniversary fairs, model yacht races, painting classes, student art exhibits and guided birdwatching. In addition, the BPA uses its funds and volunteers to support major initiatives like the removal of invasive bittersweet from the banks of the pond, and the construction of the Bullough's Pond Overlook seating area on the site of the former warming hut. The Overlook project was done in partnership with the Parks, Recreation & Culture Department, and Mayor Fuller cut the ribbon at the dedication ceremony in December 2018.

In Section Seven, "Analysis of Needs", on pages 9-10 of the draft new version of Newton's Open Space and Recreation Plan, there is language about which the BPA would like to comment.

Public-Private Partnerships

Newton has many strong public-private partnerships that have contributed to the preservation and stewardship of numerous open space resources... There are also numerous Friends groups for specific parks and green spaces throughout Newton, such as the Friends of Crystal Lake, Friends of Kennard, Friends of Hemlock Gorge, and Friends of

*Cold Spring Park. Many of these non-profit organizations provide great assistance to the City in terms of fundraising, volunteer labor, environmental monitoring, and communicating with the public. **The City needs to continue to nurture and strengthen these relationships. (Emphasis added.)***

According to the language above, the City greatly values the work of friends groups that help to maintain Newton's parks and open spaces. We've been told a number of times by City staff and officials that the BPA is one of the most trusted and effective of these groups. The BPA has long had an outstanding relationship with all City departments and staff. We've worked with Parks, Recreation & Culture, Public Works, Public Buildings, the Conservation Planner, the Tree Warden, the Fire Department, the Police Department, the Mayor's Office of Cultural Affairs, boards and commissions, and the Newton Public Schools. We adhere faithfully to the Wetlands Protection Act and other relevant statutes and regulations, and are grateful for the guidance of the City's Conservation Planner. We believe our experience and our advice is valuable, and should be taken into account.

We would like to stress that we depend most of all on our longstanding and positive working relationship with the Parks, Recreation & Culture (PRC) Department in our care of the pond. That's why we would like to express our concern about the following language, also from Section Seven, "Analysis of Needs", pages 9-10 of the draft Open Space and Recreation Plan...

Efficient Management

The Conservation Commission and the PRC are the primary stewards of municipal open space in Newton. The Conservation Commission manages roughly 316 acres for conservation and passive recreation. PRC manages another 450 acres for both passive and active recreational purposes; 239 acres (53%) of PRC managed land is wooded, according to the 2016 National Land Cover Database (NLCD) Tree Canopy data, and at least eight PRC properties contain significant contiguous wooded areas.

1. Avery Woods
2. Bullough's Pond
3. Crystal Lake (portions)
4. Cold Spring Park (portions)
5. Edmands Park
6. Kennard Park (portions)
7. Nahanton Park (portions)
8. Webster Park

*Parks, Recreation & Culture manages athletic fields, playgrounds, Gath Pool and the Crystal Lake Bathhouse, greenways, and medians. Both the 2011 Comprehensive Plan (7-8) and the 2014-2020 Open Space and Recreation Plan call for the consideration of slight reorganization of management responsibilities to allow the Conservation Commission to focus its efforts on natural areas and the PRC to focus its efforts on the City's improved recreation facilities and street trees. **Such a redistribution of management responsibilities would focus City expertise and develop clearer channels of communication for residents and volunteers. Those eight Park properties containing significant contiguous wooded areas may, following ecological site assessment, be well-suited to management by the Conservation Commission. Consistent management and possible legal protections could benefit Newton in the long run. (Emphasis added.)***

Funding

*Like many communities, the City of Newton is limited in terms of the funding it can direct toward the maintenance of open space and recreation areas. **Proposals about sharing duties for maintenance between the Conservation and PRC departments may improve efficiencies. (Emphasis added.)***

Funding for open space efforts has come from a number of sources, including the annual budget, Community Preservation Act (CPA), Land and Water Conservation Funds (LWCF), Parkland Acquisitions and Renovations for Communities (PARC) Grant Program, and Local Acquisitions for Natural Diversity (LAND) Grant Program (Massachusetts SCORP 2017, pp. 1-6); in addition to numerous donations raised by Friends groups and individuals.

Communication between the BPA and City departments is excellent because our working relationship with the Parks, Recreation & Culture Department is so strong. If we are not sure which City department should be involved with a particular issue, PRC staff guide us immediately. PRC staff respond quickly to any concerns we raise about repairs, vandalism, water quality, wildlife, etc. PRC has the management infrastructure, staff, expertise, equipment and budget to address needs that we bring to their attention. If a fence needs to be fixed, they have the means to fix it. Frankly, if we need help with almost anything, they assist us. They have the trucks, the gear and the crews to do that, plus great management in that department.

In contrast, the Conservation Commission, has no management infrastructure, crews, trucks, equipment nor budget to help groups like ours as we do the hands-on, practical work of caring for the parks and open spaces to which we have dedicated years of volunteer service. The Conservation Commission, an appointed body responsible for overseeing compliance with environmental regulations in land use, does an outstanding job at that, but has no capacity to assist the BPA or other friends organizations with the practical, day-to-day stewardship of the parks and open spaces to which we have dedicated so much of our personal time and funds. The “efficient management” of Bullough’s Pond is that of the PRC, and we strongly advise against the transfer of management responsibility for Bullough’s Pond away from the PRC.

We find the following sentence odd: “*Consistent management and possible legal protections could benefit Newton in the long run.*” Management of Bullough’s Pond by the PRC has been consistent and professional for many years. Moreover, legal protections are afforded by laws, not by which City department or appointed body has management authority over a property. We question the assertion that obtaining public funding for maintenance of Bullough’s Pond would be more efficient if management responsibility were transferred away from the PRC. Under the management of the PRC (then “Parks & Recreation”), Bullough’s Pond received hundreds of thousands of dollars in federal and state funding to pay for the 1993 dredging. Multiple City departments, and elected officials at the local, state and congressional level assisted with that effort. There is no reason to think that under the PRC’s management, future attempts to secure public funding would be anything but efficient. We respectfully request that you edit the draft to eliminate the idea of transferring management authority for Bullough’s Pond away from the PRC. Thank you for considering our view.

Sincerely,



Laura R. Studen,
President, Bullough’s Pond Association



**Newton's Open
Space and
Recreation Plan
2020-2027**



Improvements to the 2014-2020 OSRP

#178-20



- **More robust public engagement** – community survey, youth survey, 2 public working sessions, public comment period, and advisory committee
- Addresses **climate change**
- Updated comprehensive **inventory information**
- Adds a **trails** database
- Close **coordination with Parks, Rec. & Culture, Conservation, and the administration** to ensure buy-in/implementation

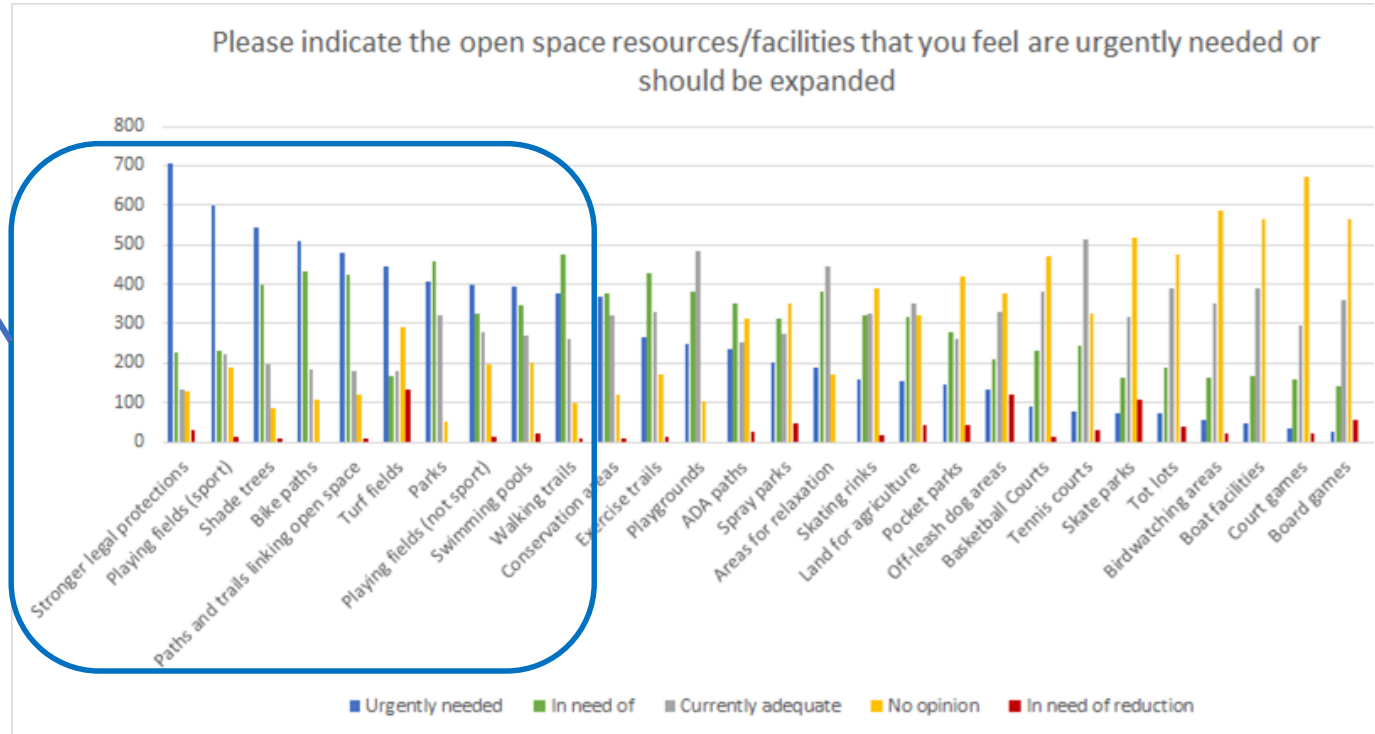
Community Survey Results

#178-20

Newton's open spaces are **heavily used and in limited supply**. Meeting the growing demand for open space resources will require innovative ways to **maintain and improve** these places.

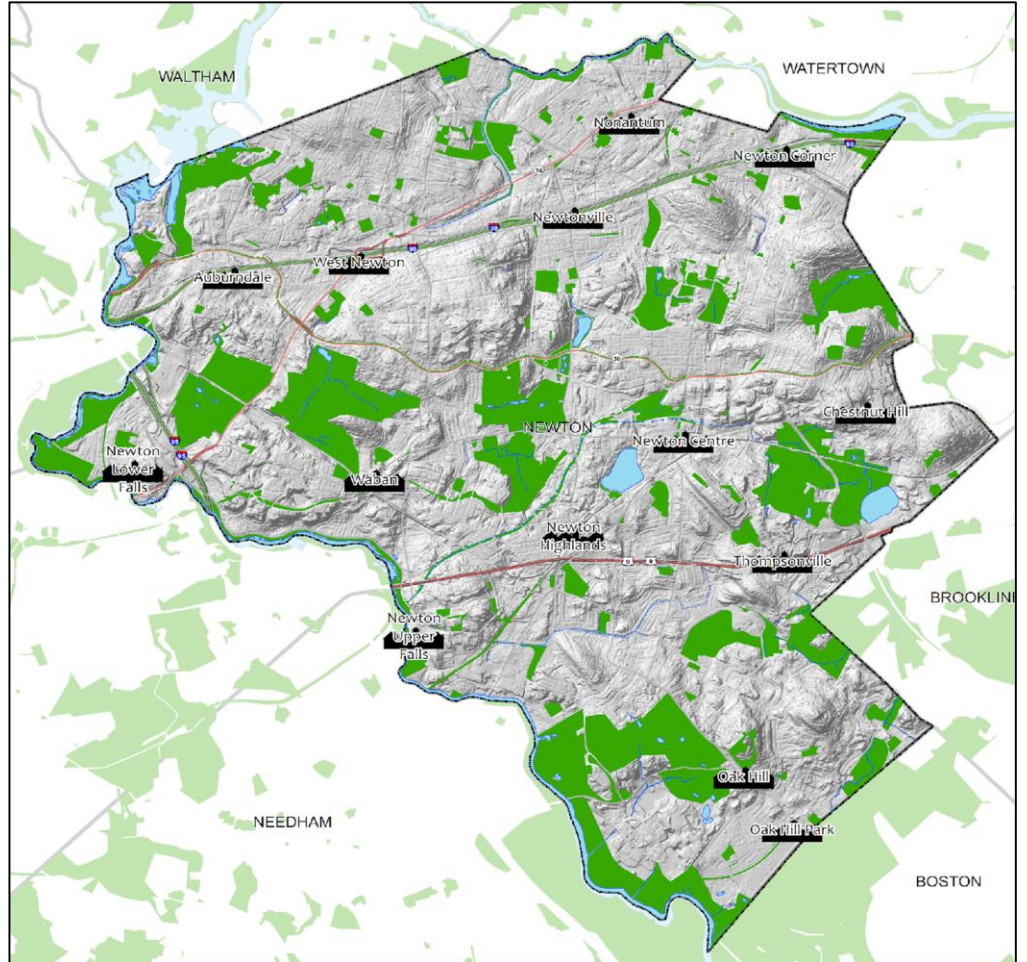
Top 10 Needs

1. Legal protections
2. Playing fields
3. Shade trees
4. Bike paths
5. Linkages
6. Turf fields
7. Parks
8. Playing fields
9. Swimming pools
10. Walking trails



Community Vision

The City of Newton will **steward, connect, and protect** its existing **open space resources** in a manner that ensures **accessibility** to all and **equitably distributed** spaces that support **ecological diversity, climate change resilience**, and a healthy, inclusive community.



OSRP Goals

- 1. Implementation:** Coordinated planning and adequate funding for the management and maintenance of the City's open space resources through the establishment of an implementation committee to prioritize actions and gather community support.
- 2. Maintenance and Improvement:** Enhanced routine maintenance and capital improvement of the City's open space resources (e.g., fields and parks).
- 3. Accessibility:** Maximized accessibility of as many of Newton's Outdoor Recreation Facilities and Natural Open Spaces as feasible.
- 4. Minimized Gaps in the Availability of Open Space Resources:** New and improved open space resources in areas of greatest need (including, but not limited to Environmental Justice areas, urban heat islands, and areas lacking diversity in local open space resources).
- 5. Connectivity:** Linked open space resources with accessible paths, bike lanes, and trails.
- 6. Protection:** Protected and expanded open space resources.

Implementation Objectives

#178-20



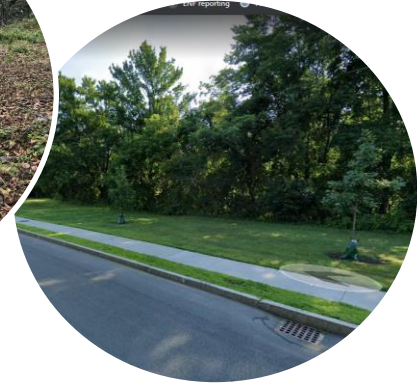
An **OSRP**
implementation management
team

Metrics, priorities, working groups, budgeting

Maintenance and Improvement Objectives

#178-20

Comprehensive Outdoor Athletic Field
Development & Operation Plan
The Park District of Oak Park, IL



A comprehensive City-wide plan to assess existing and future active recreational facilities.

Improved City parks, playgrounds, and other recreational facilities.

Improved trails, paths, and infrastructure (e.g., surfacing, bridges and boardwalks).

Natural areas with optimized ecological health and expanded passive recreation potential.

Increased street tree canopy coverage especially in vulnerable areas.

Accessibility Objectives

#178-20



Increased accessibility in the City's park land.



Increased accessibility in the City's conservation land.



Improved accessibility to the City's open space resources, including accessible parking.

Minimized Gaps in the Availability of Open Space Resources - Objectives

#178-20



Improved existing open space resources where the need is greatest.



Expanded and diversified park and playground assets where the need is greatest.

Connectivity Objectives

#178-20



Enhanced **bike network** that connects natural open spaces, parks, and schools, especially in less-served areas.

Safe walking routes to the City's schools.

New and/or enhanced trail/path connections to less-served parts of the City.

Expanded trail/path connections throughout the City that are consistent with regional plans.

Improved publicly available bike/pedestrian wayfinding and navigation measures.

Protection Objectives

#178-20



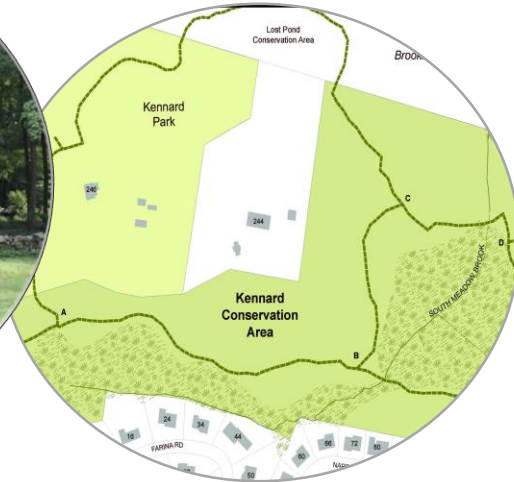
A strategy for addressing the potential of one of the City's golf courses being offered for sale.



Policies that ensure that new large developments create an appropriate scale and nature of public open space.



Communication with owners of key parcels with high ecological or recreational value.



Legal restrictions on priority/high-value Conservation and Parks land, where appropriate.

Process / Timeline

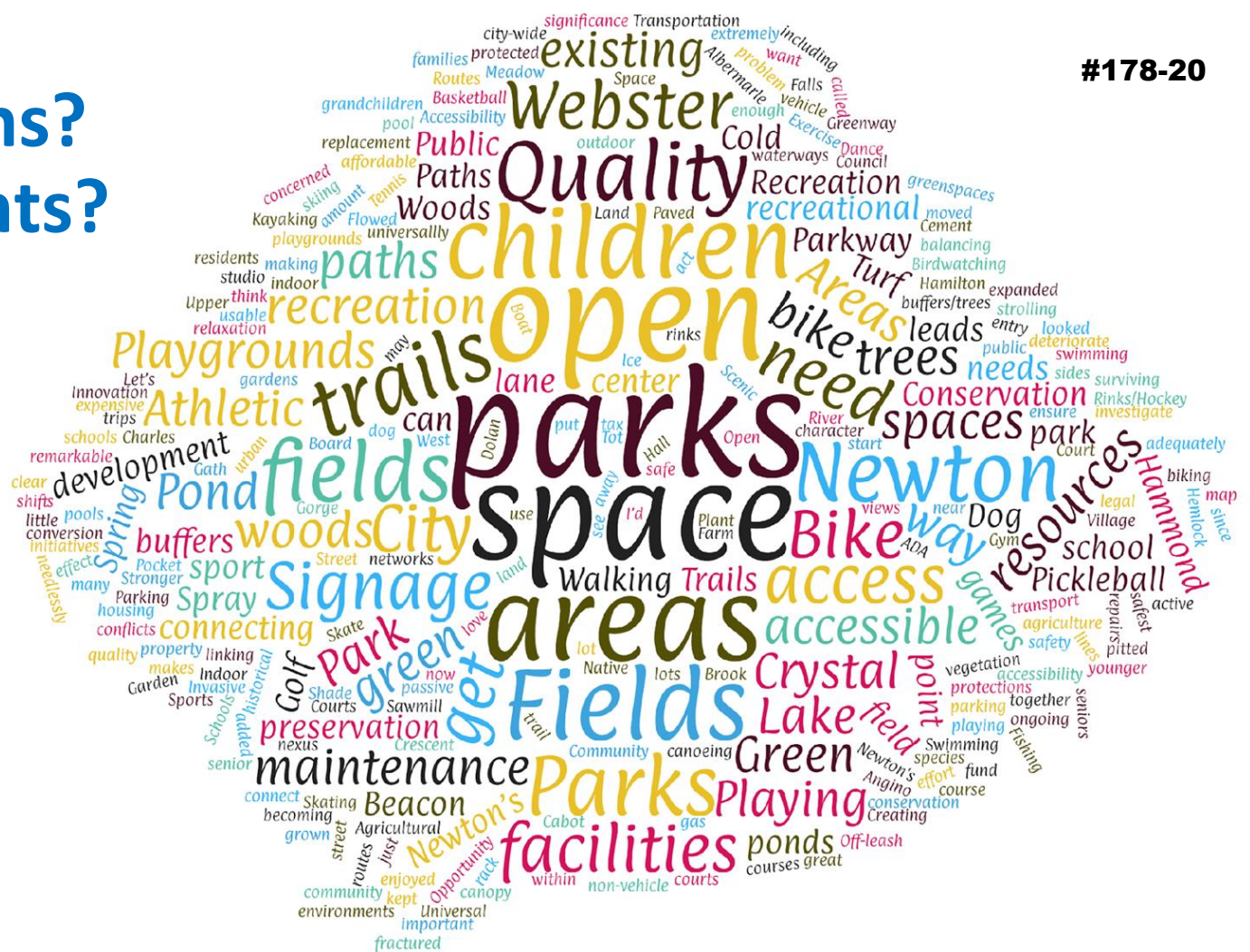
#178-20



- 4/30/20 **Draft 1** **Public Comment opens**
- 5/7/20 **Draft 1** **ZAP/P&D public hearing**
Seeking letter from P&D; support from ZAP to present to full Council
- 5/14/20 **Draft 1** **Public Comment ends**
- _____ -- **Staff incorporate comments** into Draft 2
- _____ **Draft 2** **Staff send Draft 2 to DCS, Mayor, and MAPC** for preliminary review
- _____ **Draft 2** **Staff solicit required letters of support** (P&D, Mayor, MAPC)
- _____ **Draft 2** **Staff receive conditional approval from DCS** - Newton is grant eligible
- _____ **Draft 2** **City Council votes on adoption**
- _____ -- **Staff incorporate DCS comments and letters of support** into FINAL
- _____ **FINAL** **Staff send FINAL to DCS** for approval

Questions? Comments?

#178-20



City of Newton Landmark Ordinance

5/7/2020 – Working Group
Proposed Amendments

Eligibility for nomination -current

- Properties individually listed on the National Register
- Properties listed on the National Register as part of an historic district, but not individually
- Properties that are certified by the Massachusetts Historical Commission as eligible for listing on the National Register, either individually or as part of a district

Eligibility for nomination - proposed

- Properties individually listed on the National Register
- Properties listed on the National Register as part of an historic district, but not individually
- Properties determined to be historically significant after a finding that the property is
 - importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America Historically or architecturally important by reason of period, style, method of construction or associated with a particular architect or builder;
 - historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

Who may nominate

Current

- Members of the City Council
- The Mayor
- The Director of Planning and Development
- The Commissioner of Inspectional Services
- Members of the Newton Historical Commission (NHC)

Proposed

- Owners of the Property
- Members of the City Council elected from the ward in which the property is situated **and** a member of the NHC
- The Mayor **and** a member of the NHC
- The Director of Planning and Development **and** a member of the NHC
- The Commissioner of Inspectional Services **and** a member of the NHC
- At least two members of the NHC

Notice of nomination

Current

- To the owner of the nominated property
- Upon the NHC's receipt of the written nomination
- No particular method of notice is prescribed

Proposed

- To the owner of the nominated property and to the immediate abutters
- Within 14 days after the NHC receives the petition for nomination
- By certified mail to the owner and regular mail to the immediate abutters
- Notice must include the petition and date of the commission meeting to review the nomination

Acceptance or rejection of nomination - current

- The NHC may only reject the nomination of a property that is listed on the National Register as part of an historic district, but not individually.
- Nominations of properties that are listed on the National Register may not be rejected and no additional investigation and report on the property shall be required.

Acceptance or rejection of nomination - proposed

- The NHC may vote to reject or accept any nomination. The NHC may accept a nomination upon an initial determination that the property may meet one or more of the following criteria:
 - the property significantly represents an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detailing, materials or craftsmanship;
 - the property is meaningfully associated with a person or persons who significantly contributed to the cultural, historic, architectural or archeological aspect of the development of the city of Newton, Commonwealth of Massachusetts, or the United States of America;
 - the property's identification as a notable work of an architect, designer, engineer or builder whose work is significant in the history or development of the city of Newton, Commonwealth of Massachusetts or the United States of America; or
 - historic events or activities occurred at the property that have made an outstanding contribution to, or which best represent some important aspect of, the history of the city of Newton, Commonwealth of Massachusetts or the United States of America.

Current

- The current ordinance does not require that a meeting be held to review the nomination.
- The NHC's practice is to hold a meeting to review the nomination of a property that is listed on the National Register as part of an historic district, but not individually.

Proposed

- The NHC must hold a meeting to consider any petition for nomination.
- The meeting must be held within 45 to 90 days from the date of the NHC's receipt of the petition.
- The owner and immediate abutters will have a minimum of 31 days notice of this meeting.
- At or after the meeting, the NHC must vote on whether to reject the nomination or accept the nomination and conduct further study of the nominated property.

NHC meeting to review nomination

Designation – public hearing notice - Current

- The NHC must hold a public hearing prior to any designation of landmarks.
- Minimum of 14 days notice of public hearing
- Notice by publication and mailing to the owner and every property owner abutting (immediate abutters) the nominated property
- Notice must also be given to the Mayor, the Planning Board and the City Clerk

Designation – public hearing notice - proposed

- The NHC must hold a public hearing prior to any designation of landmarks.
- The meeting must be held within 30 to 90 days from the date of the NHC's vote to accept the nomination.
- The public hearing will be held within 75 to 180 days from the date the NHC received the petition for nomination.
- Minimum of 14 days notice of public hearing
- Notice by publication and certified mail to the owner and regular mail to abutters (within 300 feet of the nominated property).
- Notice must also be given to the Mayor, the Planning Board and the City Clerk

Current

- The NHC must transmit the agenda for the public hearing to the Planning Board
- The Planning Board may make a recommendation to the NHC

Other boards/commissions

Proposed

- The NHC must notify the Planning and Development Board upon the acceptance of a nomination
- The Planning and Development Board may make a recommendation to the NHC
- The recommendation must evaluate the proposed designation in relation to the City's adopted policies and plans
- The recommendation may be made any time prior to the public hearing

Designation – Criteria - current

- The NHC may designate a property which it determines to be either:
 - importantly associated with one or more historic persons or events, or with the broad architectural, aesthetic, cultural, political, economic, or social history of the city or the commonwealth; or
 - historically or architecturally significant (in terms of period, style, method of construction, or association with a famous architect or builder) either by itself or in the context of a group of structures and may order amendments to any designation of landmark theretofore made.
- The criteria for designation is almost identical to the definition of “historically significant” in the demolition delay ordinance

- The NHC may designate a property which it determines to meet one or more of the following criteria:
 - the property significantly represents an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detailing, materials or craftsmanship;
 - the property is meaningfully associated with a person or persons who significantly contributed to the cultural, historic, architectural or archeological aspect of the development of the city of Newton, Commonwealth of Massachusetts, or the United States of America;
 - the property's identification as a notable work of an architect, designer, engineer or builder whose work is significant in the history or development of the city of Newton, Commonwealth of Massachusetts or the United States of America; or
 - historic events or activities occurred at the property that have made an outstanding contribution to, or which best represent some important aspect of, the history of the city of Newton, Commonwealth of Massachusetts or the United States of America.

Designation – Criteria - proposed

Vote for designation

Current

- The NHC by a 3/4 vote of those members present may designate a property as a landmark

Proposed

- The NHC by a 3/4 vote of those members present, but in no instance less than 4 votes in the affirmative, may designate a property as a landmark

Designation – other considerations

Current

- that the location and setting is compatible with future preservation and use;
- that the distinguishing characteristics of significance are for the most part original and intact or capable of restoration;
- that the existing or proposed use is compatible with the preservation and maintenance of the site.

Proposed

- that the distinguishing characteristics of significance are for the most part original and intact or capable of restoration;
- that the property, location and setting is compatible with future preservation and maintenance; and
- the property's context in relation to the City's policies and adopted plans and the property's surrounding area.

Amendment and Rescission

Current

- Designation of a landmark or amendment or rescission of a previous designation is authorized.

Proposed

- Amendment and rescission of any designation may only be made by those persons authorized to nominate a property
- Petitions for amendment or rescission must follow the same procedural requirements for petitions for designation of a property

Administrative Review - Current

There shall be a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the Metropolitan Area Planning Council (MAPC).

The finding of the person or persons making such review shall be filed with the city clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided herein. (Ord. No. T-288, 9-9-93)

Sec.22-69

Judicial Review -Current

Any person aggrieved by a determination of the commission, or by the finding of a person or persons making an administrative review as provided herein, may, within twenty days after the filing of the notice of the aforesaid determination or finding with the city clerk, appeal to the superior court sitting in equity for Middlesex County.

Sec. 22-70

Proposals

- Remove Administrative Review and leave Judicial Review and the appeal option
- Create a local Administrative Review body

Local Administrative Review Body - Proposed

- Closely follows the Metropolitan Area Planning Council's review procedure for appeals from local historic district commission decisions.
- The review body comprised of three members:
 - The chair of the urban design commission or their designee;
 - The chair of zoning board of appeals or their designee;
 - A chair of a historic district commission or their designee.
- Require a public hearing.
- The Working Group is finalizing their proposed draft for this section.

Demolition by neglect

Current

- Section 22-51. Demolition by Neglect is contained in Division 2. Demolition Delay of the City's ordinances. Demolition by Neglect only applies to landmarked properties.

Proposed

- The proposed draft changes Demolition by Neglect to Section 22-75 and moves it to Division 3. Landmarks.