



Newton City Council

Committee of the Whole Agenda

November 25, 2019

Room 205

6:30 pm

The City Council will meet as a Committee of the Whole with President Laredo presiding on Monday, November 25, 2019 to discuss the below items related to Webster Woods.

This meeting is open to the public, however the President of the Council may request the Committee enter into an Executive Session in accordance with the Provisions of Chapter 30A, sec 21(a) (3) & (6) for the purpose of considering the purchase, exchange, lease or value of Webster Woods and strategy with regards to litigation. The Executive Sessions will be closed to the public.

Referred to Committee of the Whole

379-19

Acquisition of 300 Hammond Pond Parkway (Webster Woods)

HER HONOR THE MAYOR requesting the City Council approve the acquisition of approximately 17.4 acres of woods at 300 Hammond Pond Parkway by eminent domain to be used for conservation and open spaces purposes.

The President of the Council requested the Committee of the Whole enter into an Executive Session in accordance with the Provisions of Chapter 30A, sec 21(a) (3) & (6) for the purpose of considering the purchase, exchange, lease or value of Webster Woods and strategy with regards to litigation.

He announced that there would be no votes taken in the Committee of the Whole and that the Councilors would not be returning to open session.

Motion to Enter Executive Session Approved by Roll Call Vote 21 Yeas, 3 Absent (Councilors Ciccone, Gentile & Kalis)

#379-19(2)

Con Com Request to take Webster Woods by Eminent Domain (#385-19)

CONSERVATION COMMISSION requesting pursuant to M. G. L. c.40, sec. 8C that the City of Newton, in accordance with M.G.L. c. 79 take the fee in approximately 17.4 acres of wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (referred to

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

as Webster Woods) by eminent domain for open space and conservation purposes.

#379-19(3) CPC Recommendation to appropriate \$725,000 for Legal Fees for Webster Woods

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seven hundred twenty-five thousand dollars (\$725,000) from the CPC Preservation Fund's Fiscal 2020 Open Space Reserve and restricted fund balance for open space, to the control of the Law Department for legal services and other costs required for the acquisition by the City of Newton of approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).

#379-19(4) CPC Recommendation to appropriate \$15,000 for costs relative to conservation restriction

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of fifteen thousand dollars (\$15,000) from the CPC Fund's Fiscal 2020 Open Space Reserve to the control of the Planning Department for a grant to the Newton Conservators, Inc. for costs associated with the holding the conservation restriction required by G.L. c. 44B sec. 12. For approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).

#379-19(5) CPC Recommendation to Acquire and appropriate \$15,000,000 for Webster Woods acquisition

COMMUNITY PRESERVATION COMMITTEE joining with the Conservation Commission in recommending that the City of Newton take in fee, by eminent domain, for open space purposes, the approximately 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway and further recommending authorization of the City Treasurer to borrow fifteen million dollars (\$15,000,000) for the acquisition of such undeveloped woodlands, including trees, waters and structures as authorized by G. L. c. 44B, sec. 11, for a period of 30 years, as required by G. L. c. 44, sec. 11, all proceeds from general obligation bonds or notes issued under this authorization shall be deposited in the Community Preservation Fund, any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes shall be deposited in the CPC Fund's restricted fund balance for open space.

#379-19(6) Acceptance and Expenditure of \$200,000 from Friends of Webster Woods
HER HONOR THE MAYOR requesting the City Council approve the acceptance and expenditure of a donation of the sum of \$200,000 by members of the Friends of Webster Woods, in accordance with the requirements of G.L. c. 44, sec. 53A, to be used for the purpose of acquiring approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, known as Webster Woods (located at the rear of 300 Hammond Pond Parkway). Said amount should be paid to Boston College for acquisition of Webster Woods and returned to the donors should the City not acquire Webster Woods.

Respectfully submitted,
Marc Laredo, President



#379-19

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email

Ruthanne Fuller
Mayor

rfuller@newtonma.gov

October 15, 2019
2019 OCT 15 PM 4:23
Ruthanne Fuller
City of Newton, MA 02459

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting the City Council to approve the acquisition of approximately 17.4 acres of woods at 300 Hammond Pond Parkway (see attached map) in fee by eminent domain to be used for conservation and open space purposes. My proposal to fund the project, both the acquisition and the legal and associated costs, has gone to the Community Preservation Committee, which will hold a public hearing and vote on the project in the next several weeks. The Conservation Commission, who receive care and custody of the property, will be sending a separate letter of support for the project shortly.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

November 12, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council authorizing the acceptance and expenditure of the sum of \$200,000 donated to the City of Newton by members of the Friends of Webster Woods, in accordance with the requirements of G.L. c. 44, sec. 53A. The donation is to be used for the sole purpose of acquiring approximately 17.4 acres of undeveloped woodlands known as Webster Woods and located at 300 Hammond Pond Parkway. The donors intend that the \$200,000 donation be part of the \$15,200,000 to be paid to Boston College for acquisition of Webster Woods and returned to the donors should the City not acquire Webster Woods.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ruthanne Fuller".

Ruthanne Fuller, Mayor

Cc: Office of the City Comptroller

RECEIVED
Newton City Clerk
2019 NOV 14 AM 11:45
DAVID A. OLSON, CMC
Newton, MA 02459

Friends of Webster Woods
November 6, 2019

Mr. Mark Armstrong, Chair
Mr. Dan Brody, Vice-Chair
Community Preservation Committee
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Proposal to Protect Webster Woods from Development Through Fee Acquisition by Eminent Domain

Mr. Armstrong, Mr. Brody, and Members of the Community Preservation Committee:

The Friends of Webster Woods is a Newton community organization whose objective is to preserve and protect Webster Woods. Our support for the 300 Hammond Pond Parkway proposal has been described in earlier letters and in comments that will be delivered at the November 6th CPC hearing.

As a sign of the community's commitment, the Friends of the Webster Woods is pleased to provide a community match of \$200,000 for use by the City of Newton on this project. These funds are available now. Our contribution is subject to adoption of the current proposal (covers 17+ acres, dated October 3, 2019) by the CPC and City Council, and completion of the transaction by the City.

Thank you for acting on this proposal and for protecting Newton's largest forest.

On behalf of the Friends of Webster Woods,



Rory J. Altman, 180 Elgin Street



Jeff Goldman, 24 Warren Street

November 20, 2019

Alissa Ocasio Guiliani
City Solicitor
Law Department
Newton City Hall

By Hand Delivery

Dear Ms. Guiliani:

I have instructed the trustee of a charitable trust in my name to deliver a check for \$200,000 made payable to the City of Newton. I understand that this check will be delivered to the mayor's office by the end of this week, or possibly early next week.

This check constitutes a contribution from the Friends of Webster Woods to the City, to be used for the sole purpose of acquiring approximately 17.4 acres of undeveloped woodlands known as Webster Woods. This \$200,000 contribution is part of the \$15,200,000 to be paid to Boston College for acquisition of Webster Woods. This contribution is made with the express condition that it be used for this purpose alone, and that the donation will be returned in full to my charitable trust if the City fails to acquire Webster Woods.

Sincerely,



Jeff Goldman

24 Warren St.
Newton Center, MA. 02459



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee Funding Recommendation for Hammond Pond Parkway – Land Acquisition

date: 18 November 2019

from: Community Preservation Committee

to: The Honorable City Council

cc: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

This project will protect Newton's largest contiguous forest, a vernal pool and established walking trails at 300 Hammond Pond Parkway through the fee, eminent domain taking by the City of Newton of approximately 17.4 acres currently owned by Boston College, as shown on the plan entitled "Taking Exhibit," dated 7 October 2019 and attached to this recommendation. As required by the Community Preservation Act, the Newton Conservators will hold a permanent conservation restriction on the land taken by the City of Newton. Of the property Boston College purchased from Congregation Mishkan Tefila in 2016, the College will retain 8 acres, including the former temple building, the main parking lot facing Hammond Pond Parkway, and a small rear parking lot.

The project is eligible for CPA funding as both the acquisition and preservation of open space.

RECOMMENDED FUNDING

On 12 November 2019, the CPC recommended total CPA funding of \$15,740,000 for this project, through the following combination of debt authorization and direct funding:

Uses of Funds	
acquisition cost (pro tanto award)	\$15,200,000
conservation restriction stewardship grant to Newton Conservators	\$15,000
other costs, including fees, legal and associated costs, bond issuance	\$725,000
Total Uses	\$15,940,000
Sources of Funds	
CPA funding: debt authorization (30-year)	\$15,000,000
CPA funding: direct funding	\$740,000
community donation toward acquisition cost (pro tanto award)	\$200,000
Total Sources	\$15,940,000

The three funding motions adopted by the CPC for this project appear on the following page. All 8 current CPC members participated in these votes. The Mayor's appointment of the ninth CPC member, to represent historic resources, is currently pending.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

1. LAND ACQUISITION METHOD and FUNDING (DEBT AUTHORIZATION)

Adopted by the CPC on 12 November 2019 by a vote of 7 in favor, 1 opposed (Robert Maloney). Please see reasons for the opposing vote under **Special Issues Considered**, below:

The CPC joins with the Conservation Commission in recommending that the City of Newton take in fee, by eminent domain, for open space purposes the approximately 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway as shown on the plan, entitled "Taking Exhibit," dated 7 October 2019 and attached as page 4 of this recommendation.

The CPC further recommends that for pro tanto compensation for this eminent domain taking, the City Council authorize the treasurer to borrow \$15,000,000, issuing any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44B, Sect. 11, or any other general or special law, for a period of 30 years. As required by Chapter 44B, Sect. 11, all proceeds from general obligation bonds or notes issued under this authorization shall be deposited in the Community Preservation Fund.

The Community Preservation Committee further recommends that any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes, shall be deposited in the Community Preservation Fund's restricted fund balance for open space.

2. GRANT to NEWTON CONSERVATORS for CONSERVATION RESTRICTION

Adopted by the CPC on 12 November 2019 by a vote of 7 in favor, none opposed, 1 abstaining (Dan Brody, as a member of the Newton Conservators Board of Directors):

The CPC recommends that, for a grant to the Newton Conservators, Inc., to hold the conservation restriction required by General Laws Chapter 44B, Sect. 12 on the land to be taken by the City of Newton by eminent domain at 300 Hammond Pond Parkway, \$15,000 be appropriated to the control of the Planning & Development Dept. from the Community Preservation Fund's Fiscal 2020 Open Space Reserve.

3. FUNDING of LEGAL and OTHER COSTS for LAND ACQUISITION

Adopted by the CPC on 12 November 2019 by a vote of 8 in favor, none opposed:

The CPC recommends that, for legal services and other costs required for the eminent domain taking of 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway, including for any associated litigation, \$725,000 be appropriated to the control of the Law Dept. from the Community Preservation Fund's Fiscal 2020 Open Space Reserve and restricted fund balance for open space.

SPECIAL ISSUES CONSIDERED BY THE CPC

The CPC understands the compelling ecological, recreational and other reasons for preserving the approximately 17.4 wooded acres the City proposes to acquire at 300 Hammond Pond Parkway. Nearly all community letters sent to the CPC and statements at the Committee's 6 November 2019 public hearing supported preservation of the woods, including even most letters and comments that focused on concerns about the proposal. The major concerns expressed were about the use of eminent domain and about the potential impact of the funding requested for this project on the CPC's and City Council's ability to fund other, future CPA-eligible projects.

Land acquisition method: The CPC recognizes that the Mayor proposed the use of eminent domain only after a sustained but so far unsuccessful search for other effective ways to protect the undeveloped woodland at 300 Hammond Pond Parkway. The CPC hopes that negotiations between the City and Boston College toward this goal will continue.

Funding method and availability of CPA funds for other projects: The CPC understands the public's concern about the potential impact of this large funding commitment on the availability of CPA funds for other worthwhile, CPA-eligible projects. After careful discussion, the Committee voted to recommend a 30-year term for the project's debt financing, in large part to ensure that the largest possible proportion of Newton's current

and future CPA funds will remain available for other projects. In reaching this recommendation, the Committee considered: the City's practice of structuring long-term debt with slowly declining annual total payments; expectations about gradual growth in future CPA program revenue that the Committee as a whole considered reasonable; and expectations about interest rates that the several CPC members with professional financial expertise considered reasonable. If its recommendation for 30-year debt financing is accepted, the CPC firmly believes that by far the bulk of current and future CPA funds will be available to support other projects in all CPA-eligible categories, including affordable housing, historic resources, and the rehabilitation of existing public recreation and conservation land, as well as additional land acquisition opportunities.

Broadening public access: Although CPC member Robert Maloney supported the proposed land acquisition, he voted against the motion for debt financing because of his concern that the proposal as submitted did not directly address the need to provide equitable access to the woods for the large majority of the public whose local or statewide CPA contributions will be used to fund this land acquisition, but who do not live within walking distance of the site. Many members of the CPC who voted in favor of that motion also shared this concern. Chief Environmental Planner Jennifer Steel explained that the state Dept. of Conservation and Recreation, which owns both abutting conservation land and Hammond Pond Parkway itself, is planning significant access improvements along the Parkway, with some construction expected to start in 2020. Both these plans and the CPC's concerns are reflected in the **Additional Recommendations & Goals** below.

Additional public outreach and education about CPA: The public's letters, hearing comments, and online discussions about this proposal suggested that many current Newton residents are not familiar with how CPA funds may be used or with Newton's CPA funding process and resources. The CPC's commitment to additional public education and outreach is reflected in the **Additional Recommendations & Goals** below.

ADDITIONAL RECOMMENDATIONS & GOALS

1. The CPC hopes that the City Council will authorize all borrowing and appropriate all direct funding recommended here as soon as practical after the date of this recommendation.
2. Upon completion of this land acquisition, the CPC strongly urges the Mayor, City Council and City departments to work with the Dept. of Conservation and Recreation in using appropriate resources, including non-CPA funding, to create new directional and site signage and to improve parking for the public on both the Hammond Pond Parkway and Newton Centre sides of 300 Hammond Pond Parkway.
3. The CPC looks forward to working with the Mayor, the City Council, and community organizations to enhance Newton residents' understanding of the Community Preservation Act, Newton's CPA funding process, and funding opportunities through Newton's CPA program.
4. The CPC expects that any CPA funds appropriated but not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on the City's long-term success in preserving the conservation and recreation character of the undeveloped woodland at 300 Hammond Pond Parkway; and on the City's shorter-term success in broadening public access to these woods.

ATTACHMENTS delivered to City Clerk on behalf of the City Council:

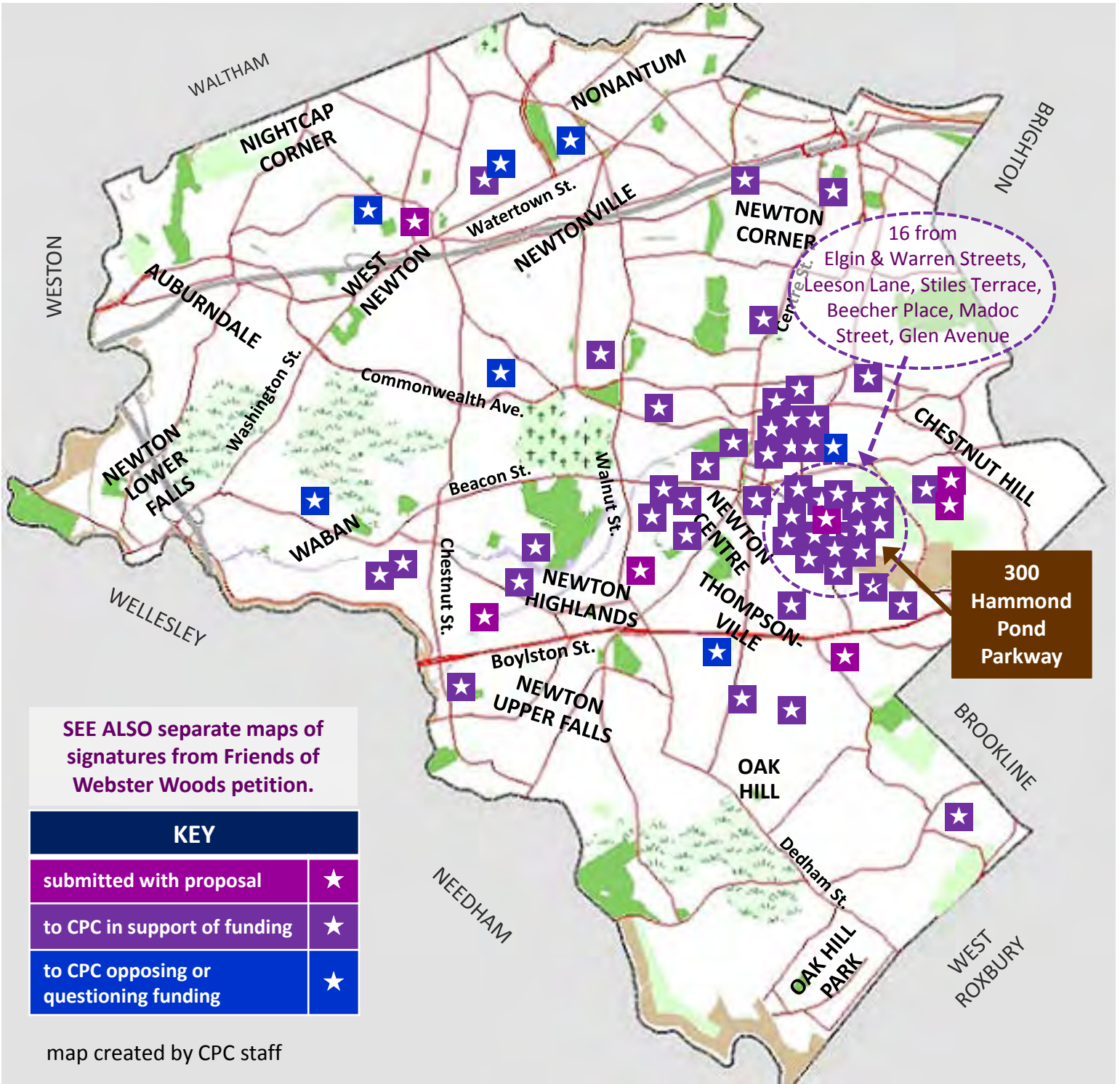
- "Taking Exhibit" (map) dated 7 October 2019, also included in proposal submitted to the CPC
- Public hearing presentation to the CPC on 6 November 2019
- Proposal submitted to the CPC on 7 October 2019
- Maps from online file of community letters and petition submitted to the CPC
- Additional information, including the text of community letters and list of petition signatures, is available on the CPC's 300 Hammond Pond Parkway webpage:

www.newtonma.gov/gov/planning/cpa/projects/webster.asp#Webster

Attachment 6. (cont'd) MAPS: Map of the Webster Woods Parcel



**300 Hammond Pond Parkway (“Webster Woods”)
Letters & Public Hearing Statements by Individuals or Households
to the Newton Community Preservation Committee
through 11 November 2019**



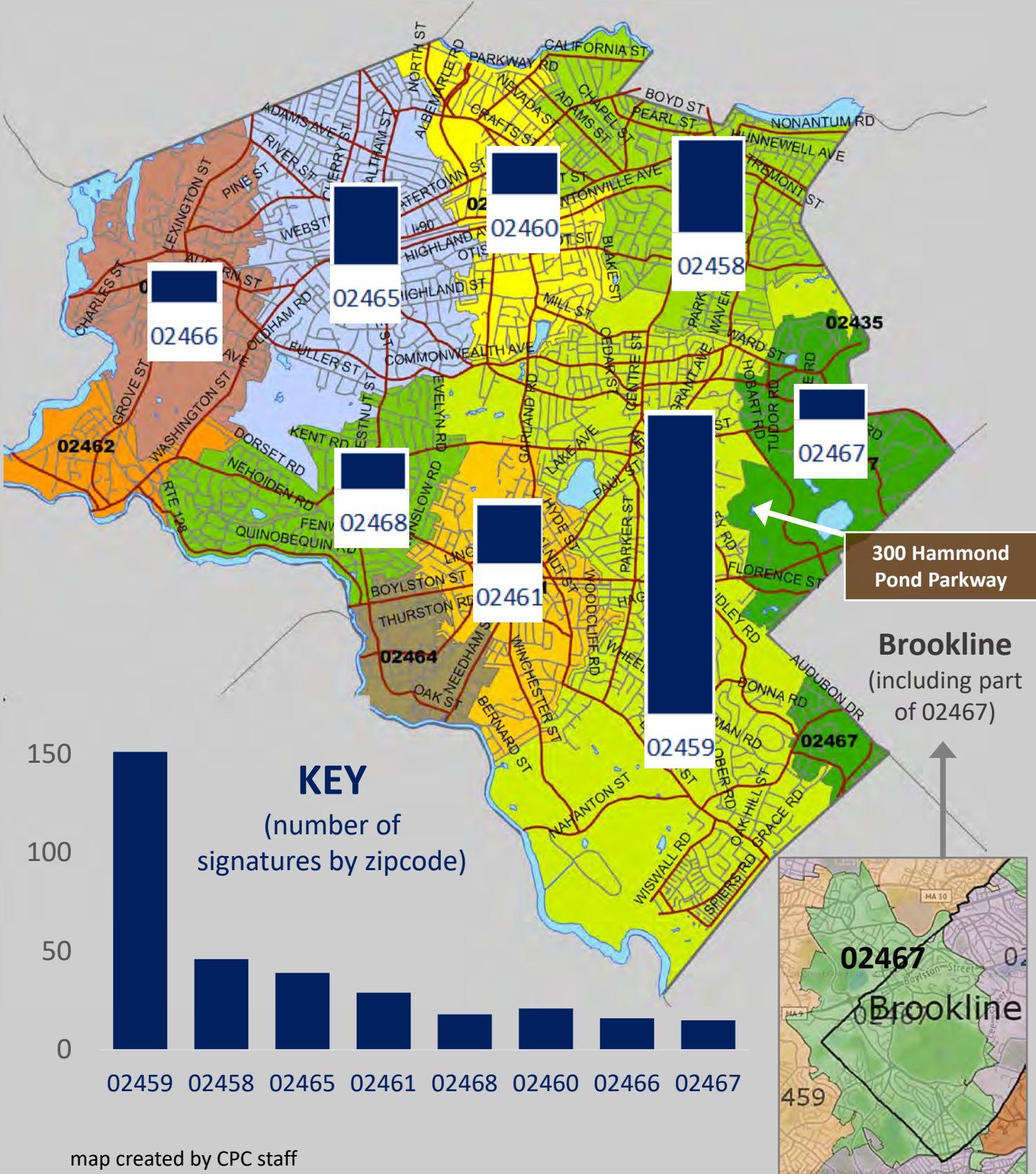
Major street

NEWTON VILLAGE or NEIGHBORHOOD

BORDERING CITY/TOWN

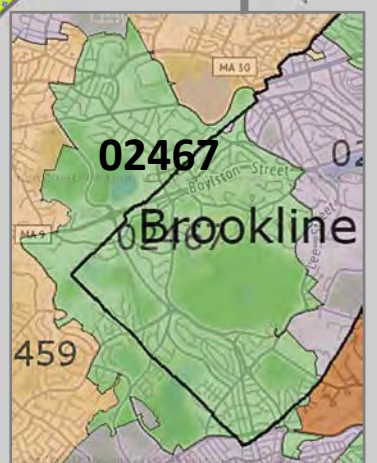
On Newton’s CPA Program website, www.newtonma.gov/cpa, the funding proposal and letters sent directly to the CPC are available from the link for [300 Hammond Pond Parkway](#) under [Proposals & Projects – Pending](#) or directly from this project page: www.newtonma.gov/gov/planning/cpa/projects/webster.asp#2019-acquisition

300 Hammond Pond Parkway ("Webster Woods") Signatures by Newton Zip Code on Friends of Webster Woods Online Petition of Support, as of 7 November 2019



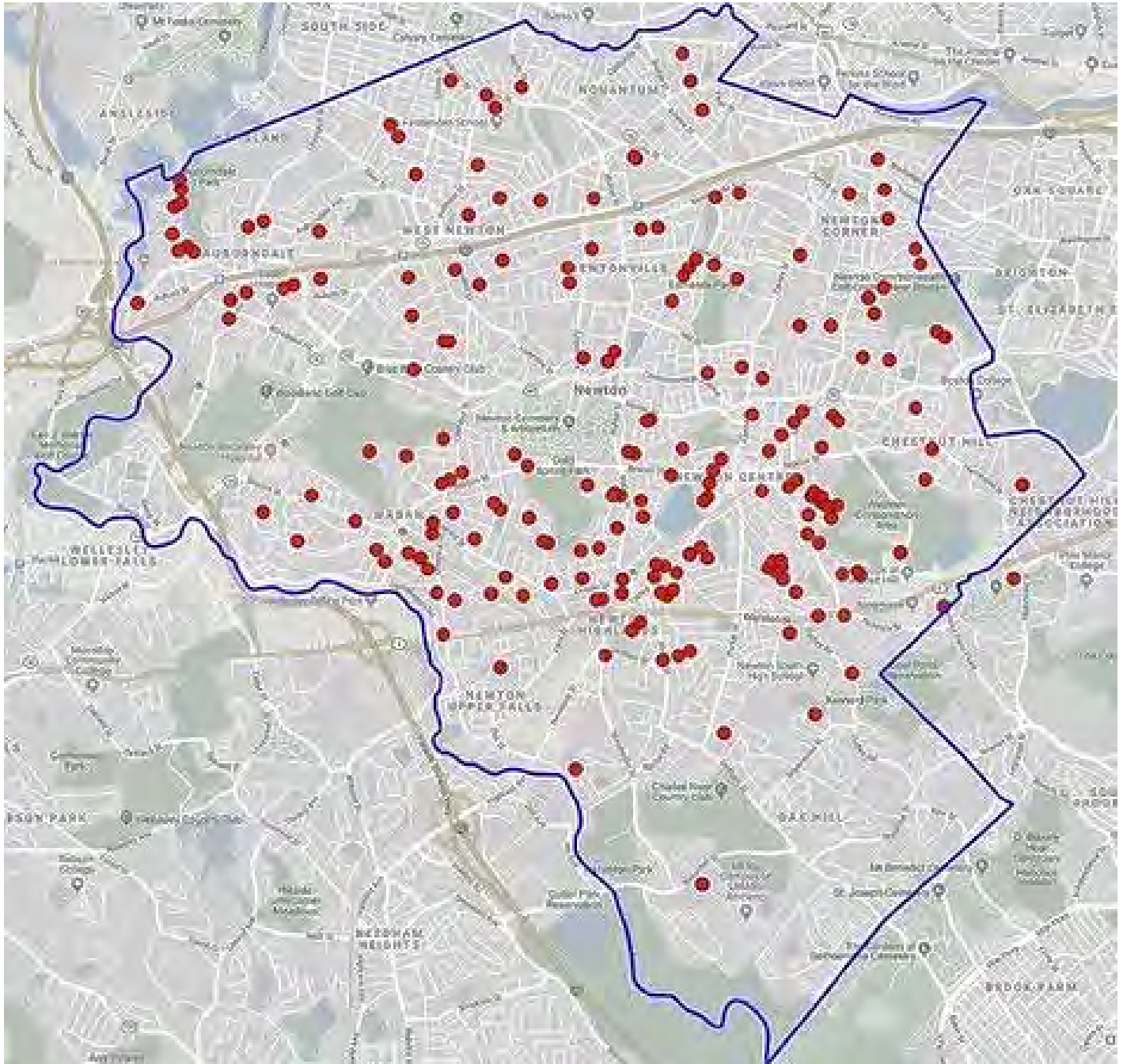
300 Hammond Pond Parkway

Brookline
(including part of 02467)



Friends of Webster Woods Online Petition

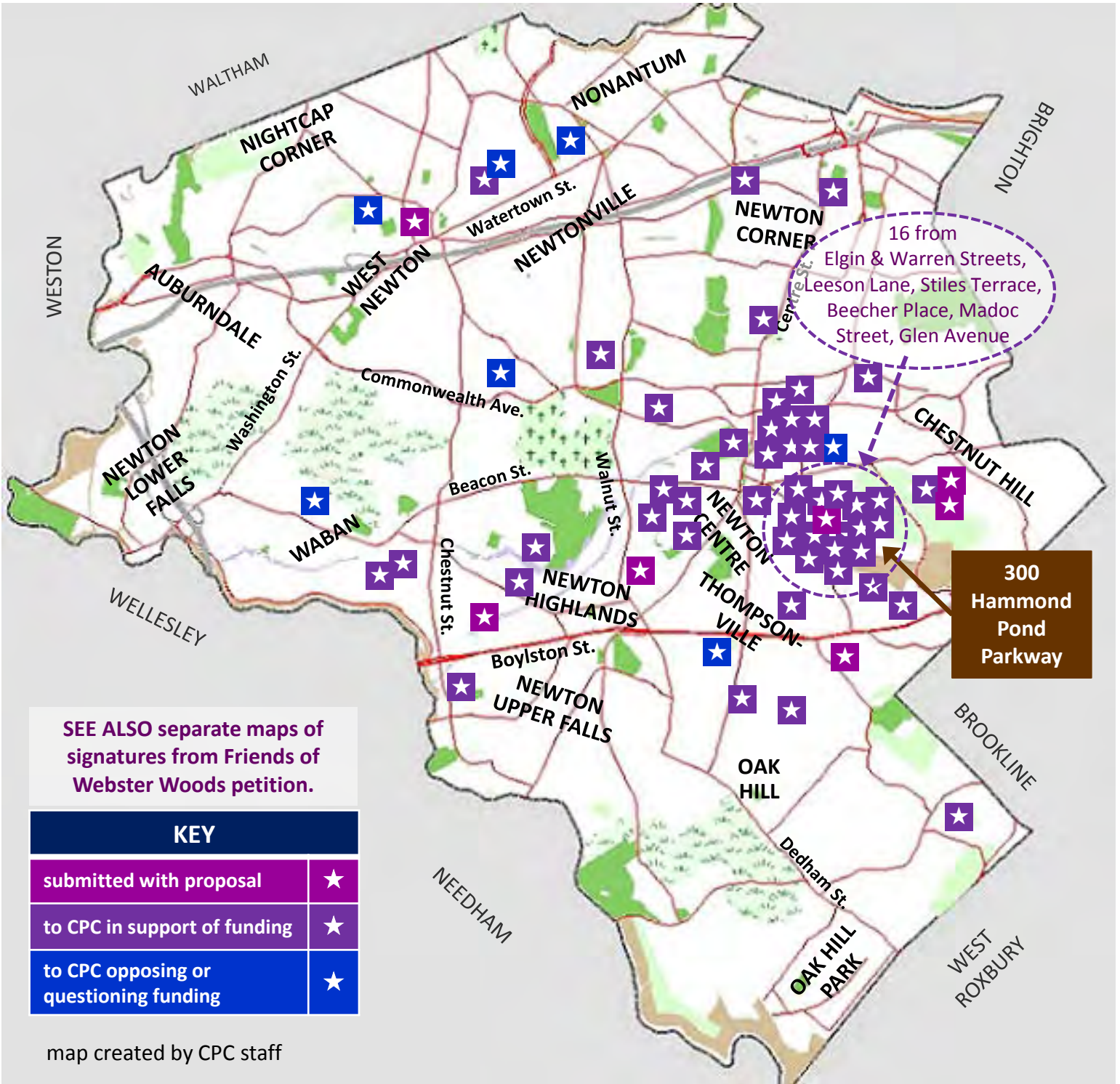
Signatures with Determinable Newton Addresses as of 24 October 2019



Attachment 6. (cont'd) MAPS: Map of the Webster Woods Parcel



**300 Hammond Pond Parkway (“Webster Woods”)
Letters & Public Hearing Statements by Individuals or Households
to the Newton Community Preservation Committee
through 11 November 2019**



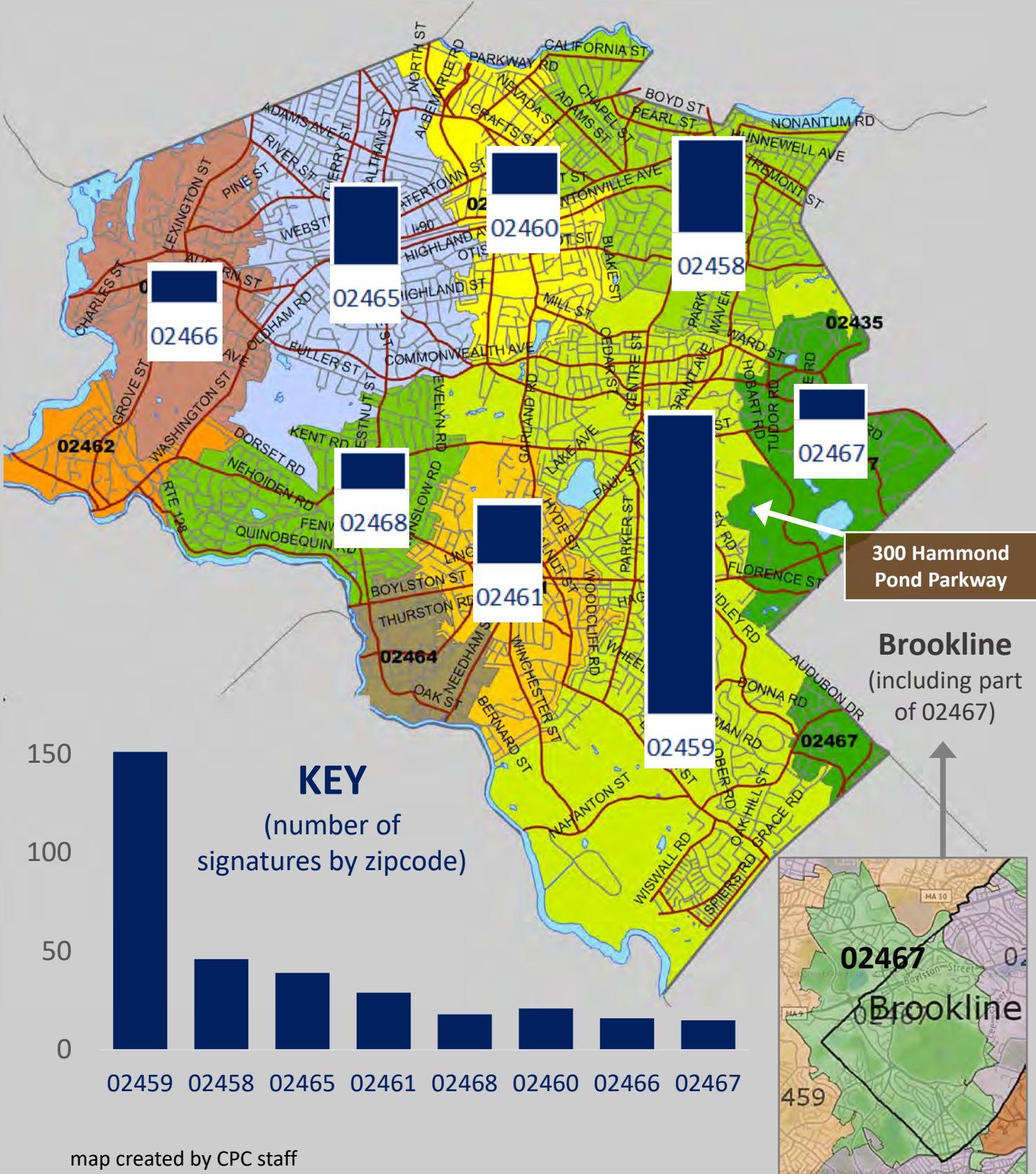
Major street

NEWTON VILLAGE or NEIGHBORHOOD

BORDERING CITY/TOWN

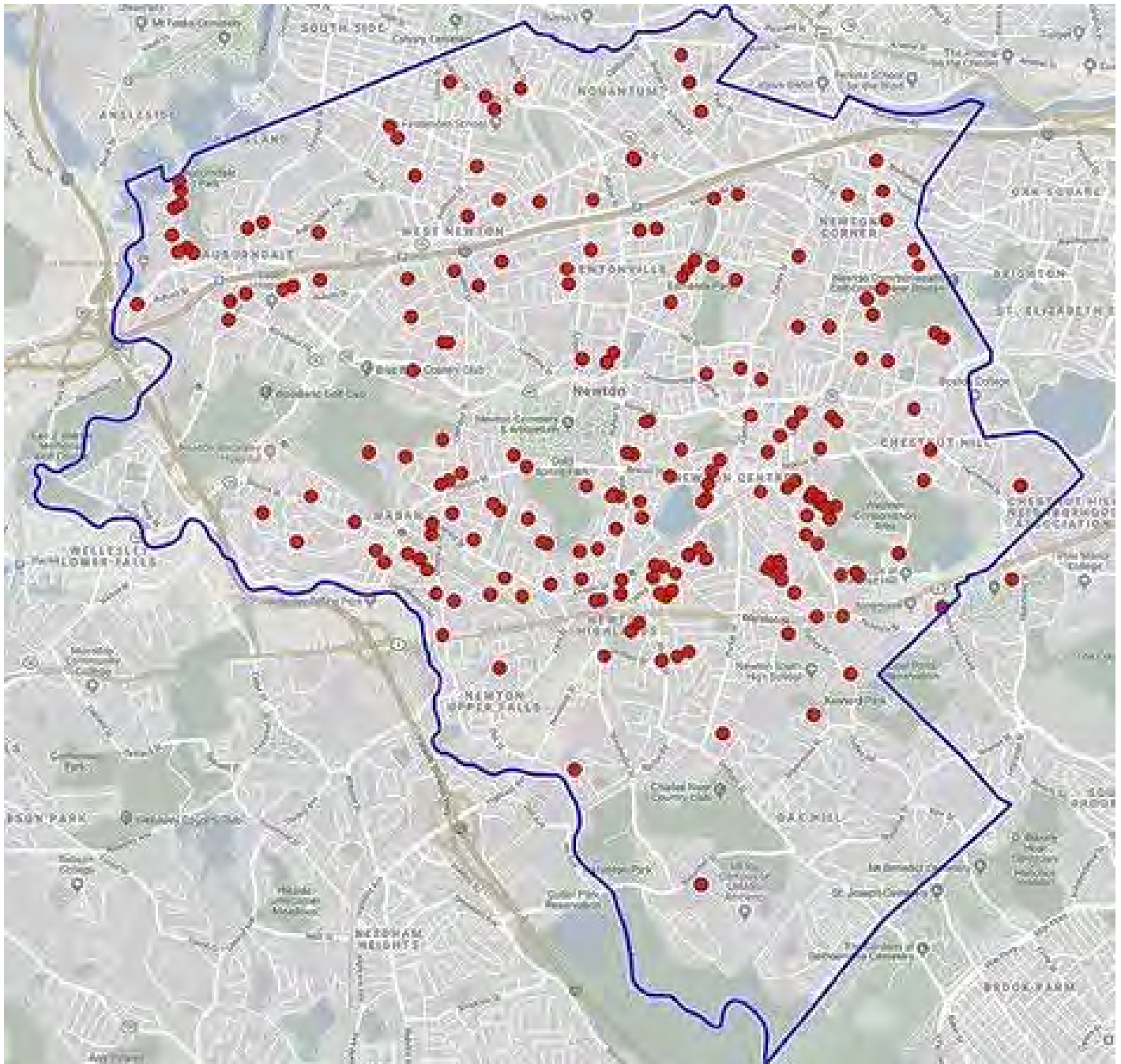
On Newton’s CPA Program website, www.newtonma.gov/cpa, the funding proposal and letters sent directly to the CPC are available from the link for [300 Hammond Pond Parkway](#) under [Proposals & Projects – Pending](#) or directly from this project page: www.newtonma.gov/gov/planning/cpa/projects/webster.asp#2019-acquisition

300 Hammond Pond Parkway ("Webster Woods") Signatures by Newton Zip Code on Friends of Webster Woods Online Petition of Support, as of 7 November 2019



Friends of Webster Woods Online Petition

Signatures with Determinable Newton Addresses as of 24 October 2019



The Protection of Webster Woods

Community Preservation Committee
Public Hearing Presentation

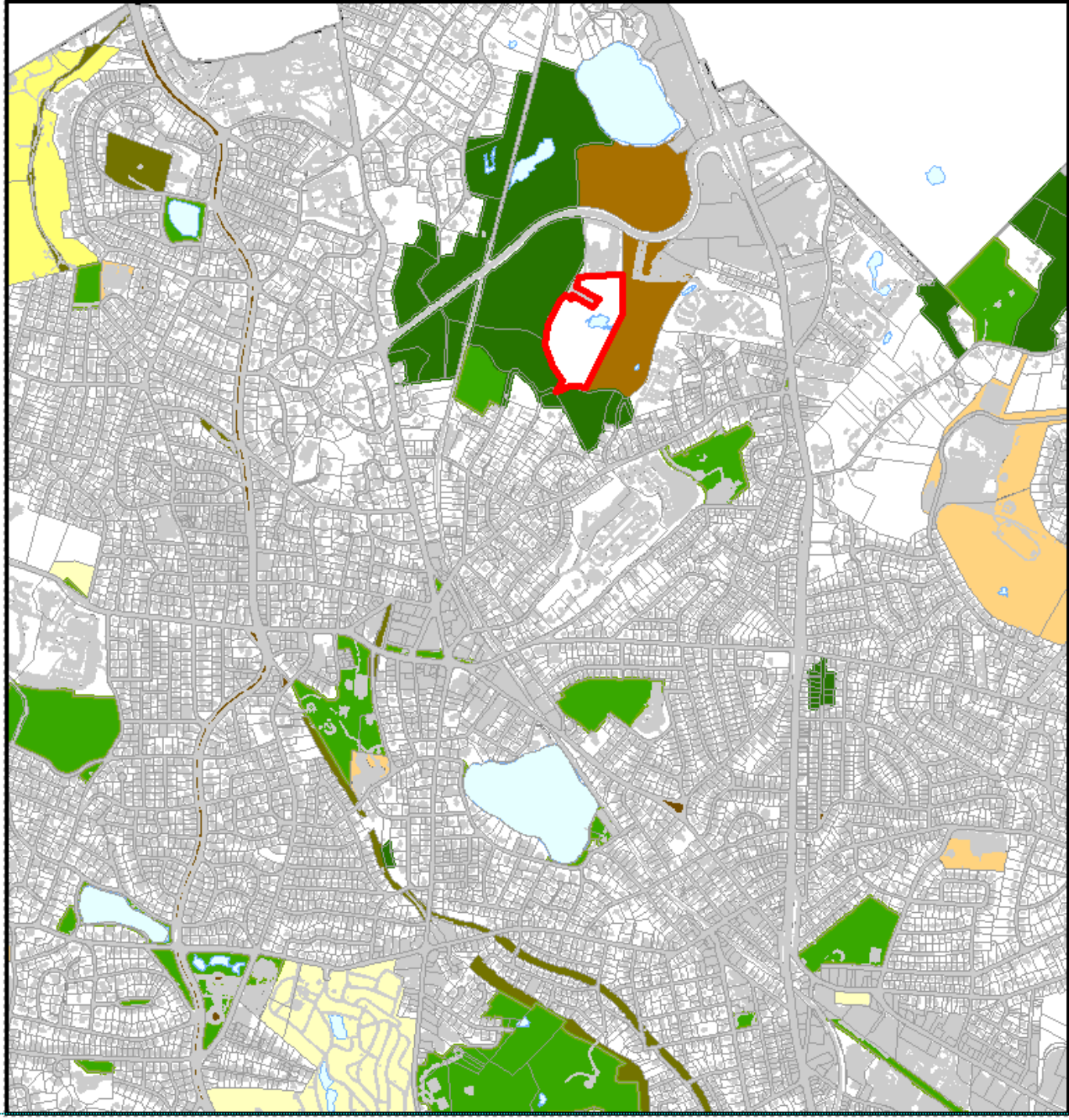
November 6, 2019



by Jennifer Steel, Chief Environmental Planner,
City of Newton

Area to be Protected

Webster Woods
is the
ecological
and
recreational
core
of Newton's largest
protected area



Woodlands



Rocky outcroppings and cliffs



Vernal Pool (in the spring)



Vernal Pool (in the summer)



Extensive network of trails



Educational Opportunities



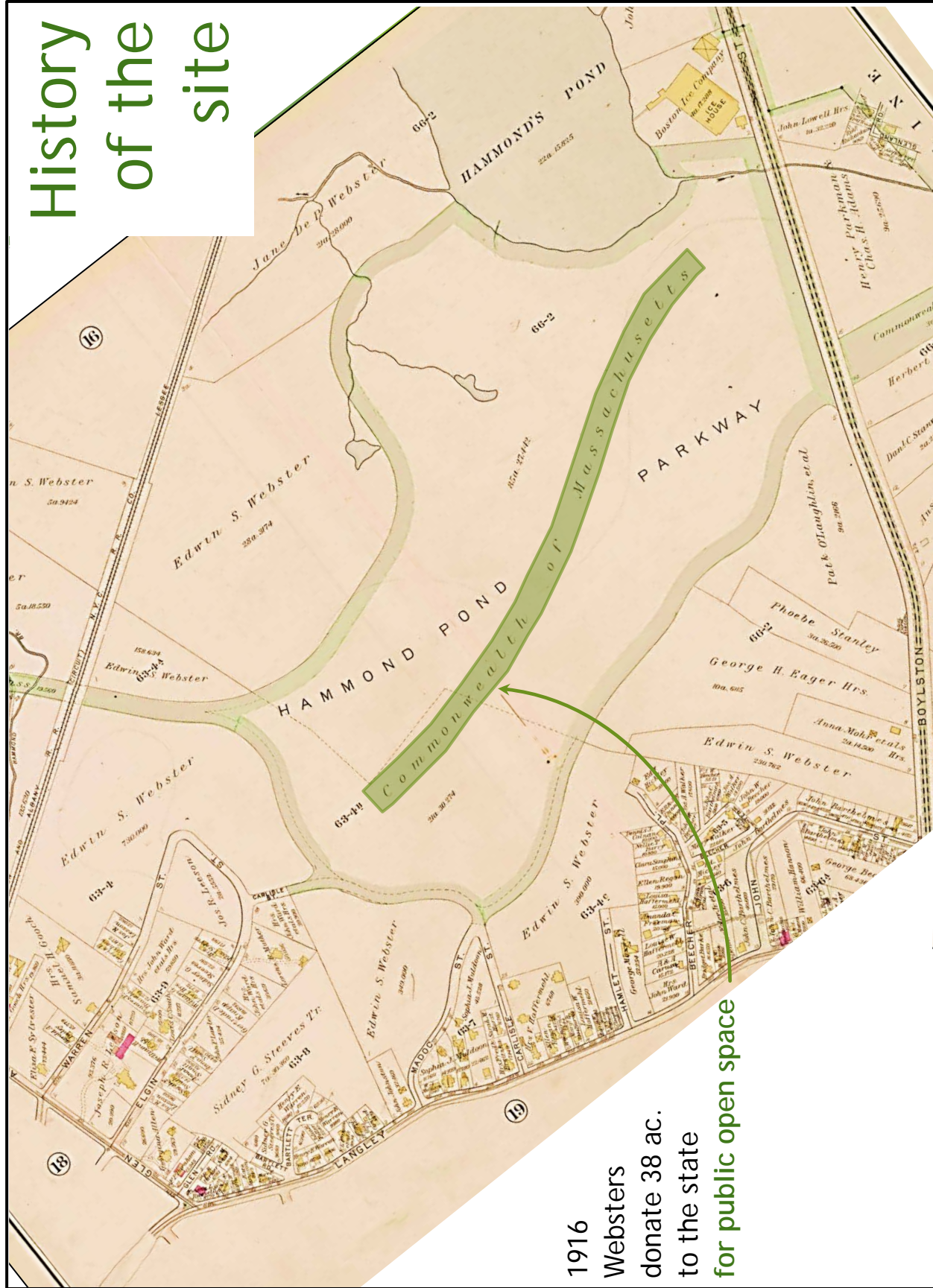


The Core

The Goals for the Protection of Webster Woods

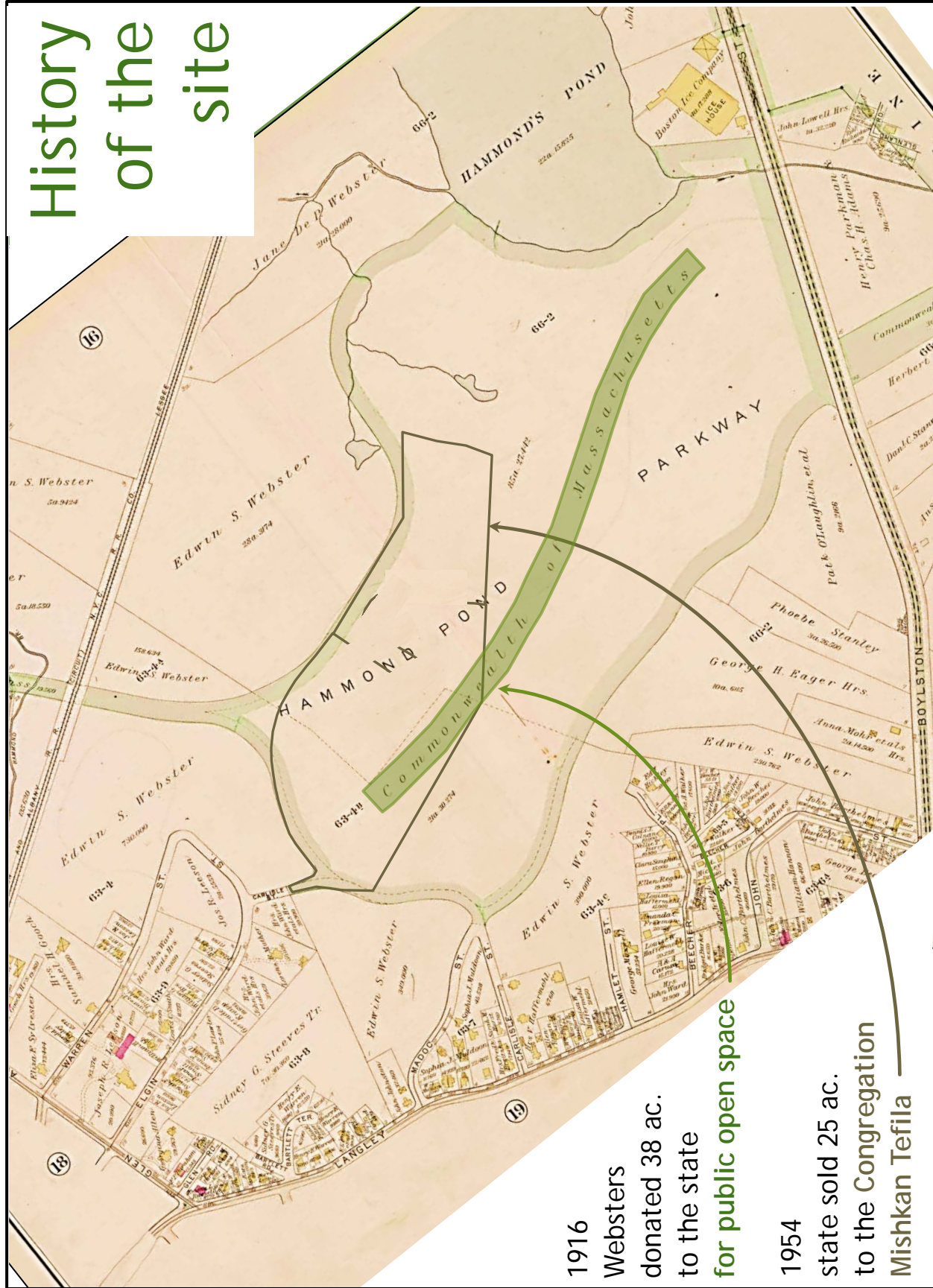
- ▶ Permanently protect natural portions of the lot
- ▶ Help protect surrounding conservation areas
- ▶ Aligns with one of the primary purposes of the CPA
- ▶ Satisfies a long-standing open space protection priority

History of the site



1916
Websters
donate 38 ac.
to the state
for public open space

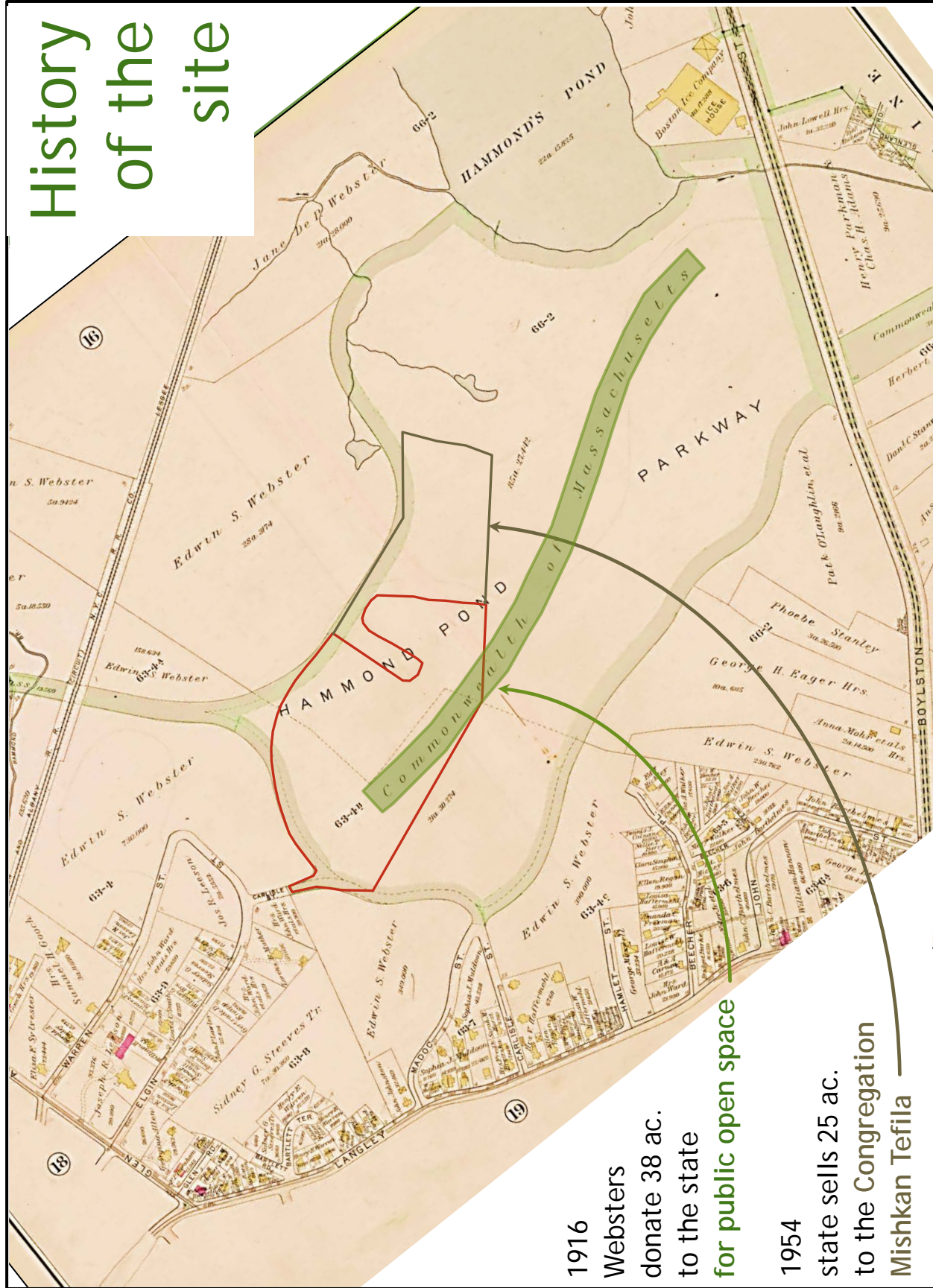
History of the site



1916
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1954
state sold 25 ac.
to the Congregation
Mishkan Tefila

History of the site



1916
Websters
donate 38 ac.
to the state
for public open space

1954
state sells 25 ac.
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Mishkan Tefila

Area to be Protected



**300 Hammond
Pond Parkway**

Newton, Mass.
Map Date: 10-21-2019



100 50 0 50 100 Feet

The information on this map is derived from the National Geographic Information System (GIS). The City of Newton assumes no responsibility for the accuracy of the information. While the use of this map is intended for informational purposes only, it is not intended for any other purpose. City Departments will not be held responsible for any decisions made solely on the basis of this map.



CITY OF NEWTON, MASSACHUSETTS
Mayor - Anthony Feller
GIS Administrator - Douglas Greenfield

Process to-date

- ▶ 1981, 1989, 1995, 2001, 2003, 2007 – Parcel identified as priority in Open Space and Recreation Plan
- ▶ 2015 – City Council resolution urging Mayor to “preserve the conservation and recreation character of 300 Hammond Pond Parkway” .
- ▶ 2018-2019 – Mayor worked to fully understand the public interest in permanent protection of the ecological and recreational values
- ▶ 2018-2019 – Mayor had substantial discussions with BC about permanent conservation of the undeveloped land.
- ▶ 2019 – Mayor announced her intent to ask the City Council to preserve the undeveloped land by eminent domain and pay BC fair market value.
- ▶ 2019 – Newton Conservation Commission supported preservation of the undeveloped land through eminent domain

Requested Funding for the Protection of Webster Woods

- ▶ \$15,200,000 from CPC for acquisition
- ▶ \$525,000 from CPC for legal and other
- ▶ \$15,000 from CPC for CR monitoring

\$15,740,000 from CPC

- ▶ \$200,000 from citizens for acquisition

Requested Funding for the Protection of Webster Woods

- ▶ There will be no increase in taxes as a result of this acquisition.
- ▶ No money will be taken from the City's General Fund.
- ▶ This will be funded with CPA funds, which cannot be used for City services.
- ▶ The CPA takes in roughly \$4 M each year.
- ▶ Newton's CPA planning process will ensure that funds will remain available for other open space projects, as well as for housing, historic, and recreation projects.

Anticipated Timeline for Protection of Webster Woods

- ▶ 11/6/19 - CPC Public Hearing
- ▶ 11/12/19 - CPC recommendation vote
- ▶ 11/25 -12/2/19 - City Council approval
- ▶ January 2020 - Payment is made;
Webster Woods becomes
City property

Help us save Webster Woods permanently



Presentation by Elizabeth Wilkinson
Chair, Mayor's Advisory Panel on Webster Woods
to Community Preservation Committee Public Hearing
6 November 2019

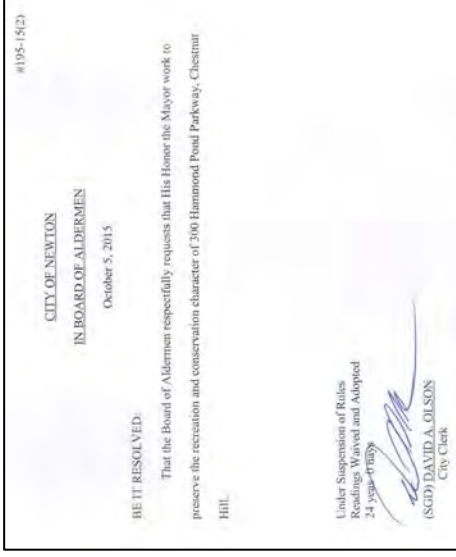
The process to preserve the woods began in 2015.



The Friends of Webster Woods and the Newton Conservators began conversations about preserving Webster Woods at the end of the summer of 2015, when Temple Mishkan Tefila announced that their property was for sale.

Political momentum

- In October of 2015, the Board of Alderman passed a resolution to preserve Webster Woods:



- In the Mayoral Election of 2017, Newton Conservators and Friends of Webster Woods asked all seven candidates to make a pledge to preserve the woods if elected.
- Six of the seven candidates made strong pledges to do so.
- In January of 2018, Mayor Fuller established the Webster Woods Advisory Panel.

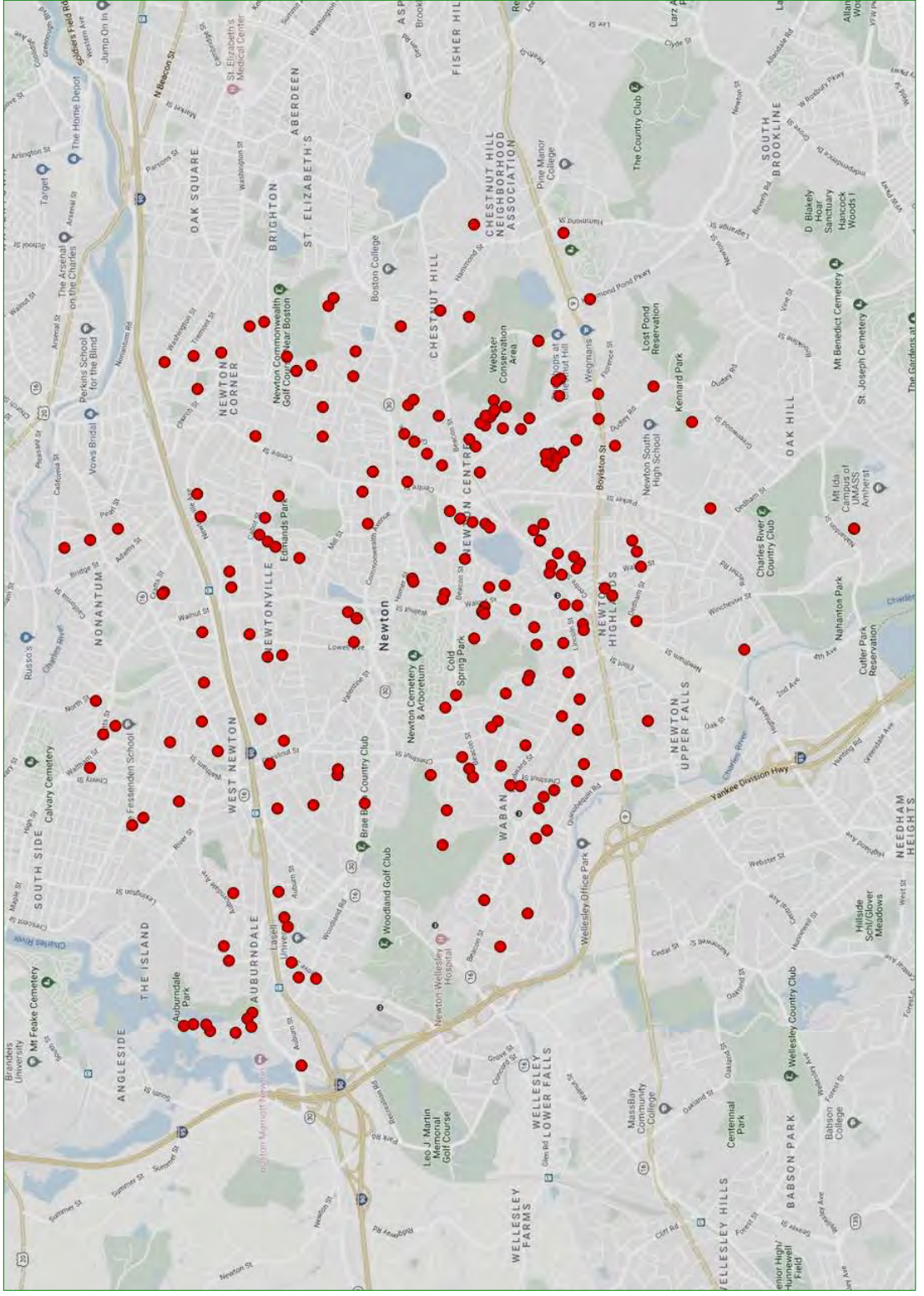
Walks in the Woods



Signs of support all over Newton



Supporters petitioned to save Webster Woods.



Please help to preserve Webster Woods permanently .

• •





City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts
02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Ruthanne Fuller
Mayor

Barney S. Heath
Director

October 3, 2019

Newton Community Preservation Committee

Newton City Hall, 1000 Commonwealth Ave.
Newton, MA 02459

Dear Members of the CPC,

We are submitting the attached application on behalf of the Mayor and the Newton Conservation Commission to confirm our tremendous support for the fee acquisition by eminent domain of "Webster Woods," the 17+ acres of pristine woodland at 300 Hammond Pond Parkway, comprised of the knoll between the two parking lots and the woods to the west of the rear parking lot.

This acquisition leaves for Boston College the remaining 8 acres including the former temple, existing parking lots, and access roads.

Preserving the largest contiguous forest for Newton in perpetuity is essential. We must protect this diverse eco-system and the habitat it provides for birds, mammals, amphibians and insects. We must ensure that our residents have access to the trails, the woods, the rocky ledges and the vernal pool on these 17+ acres and can connect to the 88+ acres of protected forest to either side cared for by the City of Newton and Massachusetts Department of Conservation and Recreation.

The Mayor's office will ask the City Council to initiate an Order of Taking as soon as the CPA votes to recommend funding this proposal. Management of the funds (and the legal process associated with the acquisition and funding) will be undertaken by the City Solicitor in the Law Department. The Newton Conservation Commission will serve as the custodian of this land once it is acquired. The Conservation Commission will grant to the Newton Conservators a Conservation Restriction.

We thank you in advance for your support of this critical land protection effort.

Ruthanne Fuller
Mayor

Daniel Green
Conservation Commission, Chair



Ruthanne Fuller
Mayor

Newton, Massachusetts Community Preservation Program FUNDING REQUEST

PRE-PROPOSAL

PROPOSAL

(For staff use)
date rec'd:

7 October
2019

Last updated 17 June 2019.

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 2. 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	Mailing address
Project Manager	Alissa Giuliani, City Solicitor	Agiuliani@newton.gov	617.796.1249	City of Newton, Planning Dept., 1000 Commonwealth Ave., Newton, MA 02459
Other Contacts	Jennifer Steel, Chief Environmental Planner	jsteel@newtonma.gov	617.796.1134	
Other Contacts	Beth Wilkinson, Chair, Mayor's Webster Woods Advisory Panel	bethwilkinson@mac.com	617.966.7491	14 Trowbridge Street, Newton Center, MA 02459
Project FUNDING	A. CPA funds requested: \$15,740,000	B. Other funds to be used: \$200,000	C. Total project cost (A+B): \$15,940,000	
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.			

The property owned by Boston College at 300 Hammond Pond along the parkway is over 25 acres in total; the Mayor is focused on saving the 17.4 acres of undeveloped wooded area. Boston College, which purchased the property from Congregation Mishkan Tefila in 2016, will retain 8 acres including the former temple and parking lots.

While the Mayor remains open to achieving a mutually acceptable agreement with Boston College, she has decided to initiate a process of acquiring in fee the 17.4 acres of pristine woods through the City's power of eminent domain.

Preserving the largest contiguous forest for Newton in perpetuity is essential. The goals are to protect this diverse eco-system and the habitat it provides for birds, mammals, amphibians and insects and ensure Newton's residents have access to the woods, rocky ledges and the vernal pool on these 17.4 acres and can connect to the 88+ acres of forest to either side cared for by the City of Newton and Massachusetts Department of Conservation and Recreation.

The requested CPC funds will pay for the pro tanto amount determined by the City's recent appraisal, as well as additional associated costs.

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 2. Acquisition	
USE of CPA FUNDS	✓	OPEN SPACE	✓
COMMUNITY NEEDS	<p>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> <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: Item #2. Temple Mishkan Tefila Woods - woods, pond, and sensitive habitats.</p> <p>Comprehensive Plan, 2007, page 7-4. Goal #4: 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.</p> <p>Other Community Benefits</p> <ul style="list-style-type: none"> Continued public access to existing trail network and Bare Pond (vernal pool) Protect diverse, healthy, native habitat and habitat connectivity for wildlife Added ecological value that this core parcel provides to adjacent State and City-owned open space Continue this parcel’s contribution to a functioning, intact watershed Provide the climate change mitigation value of forest cover (reduced heat island effect, carbon sink, severe storm mitigation, etc.) Continued public health value of a forested landscape Educational and recreational opportunities for youth, families and students 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
	Theodore (Ted) Kuklinski President Newton Conservators	tkuklinski@aol.com	617-332-7753 24 Henshaw Terrace Newton, MA 02465
	Ken Kimmell Friends of Webster Woods	kennethkimmell@gmail.com	617-966-2935 165 Elgin St. Newton, MA 02459
	Lalor (Larry) Burdick Nahanton Woods, Inc.	l.burdick@comcast.net	617-969-0414 180 Dudley Road Newton, MA 02459
	Chris Hepburn Vice President, Newton Conservators	john.hepburn@bc.edu	617-964-1137 132 Stanley Road Newton, MA 02468
	Michele Hanss Friends of Houghton Garden	m.hanss@comcast.net	617-730-8122 207 Suffolk Road Newton, MA 02467
	Fred Hochberg	hochbergfred@gmail.com	617-678-8657 18 Clovelly Road Newton, MA 02467
	Jack Wittenberg	jwittenberg@partners.org	617-969-2657 146 Allerton Road Newton, MA 02461

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 2. Acquisition	
SUMMARY CAPITAL/DEVELOPMENT BUDGET		
Uses of Funds		
Acquisition cost (pro tanto award)		\$15,200,000
Other costs (fees associated with eminent domain taking, legal and associated costs and bond issuance costs)		\$725,000
Conservation Restriction (CR) stewardship grant to Newton Conservators		\$15,000
D. TOTAL USES (should equal C. on page 1 and E. below)		\$15,940,000
Sources of Funds	Status (requested, expected, confirmed)	
CPA funding	Requested	\$15,740,000
Other anticipated funding sources: community match for acquisition costs	Requested	\$200,000
E. TOTAL SOURCES (should equal C. on page 1 and D. above)		\$15,940,000
SUMMARY ANNUAL OPERATIONS & MAINTENANCE BUDGET (cannot use CPA funds)		
Uses of Funds		
Trails are well established and will require minimal maintenance (e.g., periodic clearing of fallen limbs/trees). Work will be done by the Conservation Commission contractor.		\$2,000
F. TOTAL ANNUAL COST (should equal G. below)		\$ 2,000
Sources of Funds		
Newton Conservation Commission's annual land maintenance/management funds		\$2,000
G. TOTAL ANNUAL COST (should equal F. above)		\$ 2,000
Project TIMELINE	Phase or Task	Month & Year
Please list all major steps required for CPC & City Council approval of both funding & acquisition, and completion of acquisition.		
Some details cannot be made public in this proposal and will be provided in a separate detailed timeline to the CPC in executive session.		
	Conservation Commission process begins	October 2019
	City Council process begins	October 2019
	CPC public hearing. The City and the Mayor will happily publicize this hearing as widely as possible.	Early-November 2019
	CPC executive session and vote	Mid-November 2019
	City Council vote	December 2019

Project TITLE		Webster Woods, Ph. 2: Acquisition	
↓ Check off submitted attachments here.			
CITY SPONSORSHIP & SUPPORT			
REQUIRED	1 ✓	separate or combined cover letters from Mayor and Conservation Commission: - confirming Conservation Commission's willingness to accept custody of all real property rights proposed for acquisition - identifying City department(s) to which funds should be appropriated for disbursement	
	2 ✓	Capital Improvement Plan: current listing/ranking & risk factors for this project	
	PROJECT & SPONSOR FINANCES		
	3 ✓	Operating/maintenance budget, projected separately for each of the next 10 years	
	4 ✓	Conservation Commission most recent annual operating budget (revenue & expenses)	
	SITE DESCRIPTION, CONTROL, VALUE & DEED RESTRICTIONS		
	5 ✓	photos of existing site conditions	
	6 ✓	map of full property, with parcels clearly labeled to correspond with "real property rights proposed for acquisition," below	
	7 ✓	appraisal by an independent, certified real estate appraiser –An executive summary is attached. The full appraisal cannot be made public as part of this proposal, but the CPC will be able to read the full appraisal in the Newton Law Office, and it will be made available to CPC members for their reference at all executive sessions.	
	8 ✓	for any real property to be acquired in fee: written commitments from the City to grant, and from the Newton Conservators to hold, permanent conservation restrictions; Conservators letter should include their stewardship funding request for such restrictions	
ZONING & PERMITTING			
9 ✓	brief property history: at least the last 30 years of ownership & use		
LETTERS & PETITIONS of SUPPORT			
OPTIONAL	10. some attached, others solicited	from Newton residents, organizations, and businesses -- for standardized or repeated wording, please submit petitions rather than individual letters	

Attachment 2. Webster Woods in Capital Improvement Plan

Released 16 April 2019

Webster Woods listing

Supplemental CIP by Priority FY2020-FY2024

Priority	Dept	Asset Category	Project Title	Project Description / Justification	Est Cost in FY2019	Priority Factor	Funding Source
1	Schools	Building	Cabot School Renovation	Replace 92 yr old school due to poor condition, aging building systems and inadequate space per State Education standards.	\$ 49,000,000	87.0	Bonding/MSBA
2	DPW	Complete Streets	Complete Streets Improvements - Dedham @ Nahanton; Dedham @ Brookline	Upgrade traffic signal equipment, improve intersection alignment geometry, improve multimodal safety and operations and implement signal coordination	\$ 1,875,000	80.3	Bonding
3	DPW	Complete Streets	Needham Street Upgrades	TIP Project to Pave and Improve Needham Street - Funded by Commonwealth	\$ 26,800,000	74.8	TIP Funding
4	Schools	Building	Lincoln-Eliot School - Upgrade HVAC	Upgrades to the HVAC system	\$ 650,000	73.2	Capital Stabilization Fund
5	DPW/ Water	Water	Replace Water Pipelines - Year 2	Cleaning and lining of water pipes to improve water quality, reduce water leakage and ensure pipe integrity and capacity. Precedes scheduled roadway paving. Project was for Year 2 of 20 year program.	\$ 4,546,200	68.5	Water Funds
6	DPW	Complete Streets	Newton Corner ADA Traffic Signal and Sidewalk Improvements	Install APS (Accessible Pedestrian Signals) at 10+ traffic signal locations, install ADA compliant ramps, upgrade sidewalk, landscaping	\$ 947,000	67.5	CDBG/Free Cash
7	DPW	Complete Streets	Complete Streets Improvements - Oak & Christina	Upgrade traffic signal equipment, improve intersection alignment geometry, improve multimodal safety and operations	\$ 2,375,000	67.4	Mass Works Grant/Free Cash
8	Parks & Rec	Parks / Open Space	Manet Rd. Recreational Reservoir	Improve recreational space 5 acre parcel recently purchased from MWRA	\$ 375,000	65.3	CPA Funds
9	Fire Dept	Large Vehicle / Equipment	Replace Fire Dept Aerial Ladder #2	Replace Ladder 2 (15 years old). Maxed out on life expectancy; to be used as spare to replace Spare Ladder 5 (ladder from 1985 to be taken out of service.)	\$ 1,200,000	63.6	Bonding
10	Planning	Parks / Open Space	Webster Woods	Implementation of Webster Woods Plan	To Be Negotiated	63.5	CPA Eligible
11	DPW/ Storm	Storm	Hammond Brook Pipe Replacement	Replace 24" storm drain due to deteriorated structure	\$ 541,600	63.0	Storm Funds
12	IT	Software	Citywide Financial System	Move Financial System to MUNIS	\$ 1,537,000	61.5	Bonding
13	DPW/ Water	Water	Winchester Storage Tanks	Demo and de-commissioning of the elevated storage tanks for fire flow that are no longer needed.	\$ 407,000	60.9	Water Funds
14	DPW/ Storm	Storm	Rehabilitation of the Forest Grove Pump Station	Replace electrical controls, level sensors, replace trash grate & fencing, include structural repairs to building structure in Auburndale on Charles River	\$ 409,800	60.6	Storm Funds
15	DPW/ Sewer	Sewer	Sewer Inflow/ Infiltration Project - Area 5 - Newton Centre, Newtonville & Chestnut Hill	Part of 10 year program to remove excess inflow and infiltration into sewer system. Project was for year 4 of City-Wide Sewer Initiative.	\$ 4,167,572	60.4	Sewer Funds
16	DPW/ Sewer	Sewer	Sewer Inflow /Infiltration Project - Area 6 - Newton Centre, Newtonville, Chesnut Hill, & Nonantum	Part of 10 year program to remove excess inflow and infiltration into sewer system. Currently in year 5 of City-Wide Sewer Initiative.	\$ 5,981,859	60.2	Sewer Funds
17	Fire Dept	Building	System Upgrades at Station 1 & 2	Interior building system upgrades to isolate the apparatus bays from the living quarters.	\$ 300,000	59.9	Free Cash
18	DPW/ Sewer	Sewer	Sewer Inflow /Infiltration Project - Area 7 - Upper Falls, Highlands, Thompsonville	Part of 10 year program to remove excess inflow and infiltration into sewer system. Will be in year 6 of City-Wide Sewer Initiative.	\$ 4,610,000	59.9	MWRA Grant/Loan
19	Library	Building	Library Interior Improvements	Replace worn out carpeting, flooring, and other immediate needs	\$ 500,000	59.8	Bonding
20	Schools	Building	Carr School - Air Conditioning	Install Air Conditioning System into the School before Horace Mann moves in	\$ 500,000	59.8	Bonding

Webster Woods listing (cont'd)

Attachment 2. Webster Woods in Capital Improvement Plan

Supplemental CIP by Priority FY2020-FY2024

Priority	Project Title	Likelihood of Failure	Conseq. Factor	Priority Factor	Quadrant	Total	Total	Total	Total	Total	Total	Total
						Approved Funding	FY19 To be Docketed	FY2020	FY2021	FY2022	FY2023	FY2024
						\$ 132,697,083	\$ 18,851,000	\$ 44,622,000	\$ 65,493,000	\$ 46,310,000	\$ 66,095,000	\$ 37,293,000
1	Cabot School Renovation	1.000	8.70	87.0	Q1	\$ 49,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Complete Streets Improvements - Dedham @ Nahanton; Dedham @ Brookline	0.900	8.92	80.3	Q1	\$ 1,875,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Needham Street Upgrades	1.000	7.48	74.8	Q1	\$ 26,800,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Lincoln-Eliot School - Upgrade HVAC	0.867	8.44	73.2	Q1	\$ 650,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5	Replace Water Pipelines - Year 2	0.767	8.94	68.5	Q1	\$ 4,546,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Newton Corner ADA Traffic Signal and Sidewalk Improvements	1.000	6.75	67.5	Q1	\$ 947,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Complete Streets Improvements - Oak & Christina	0.800	8.43	67.4	Q1	\$ 2,375,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Manet Rd. Recreational Reservoir	0.900	7.25	65.3	Q1	\$ 375,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	Replace Fire Dept Aerial Ladder #2	0.833	7.63	63.6	Q1	\$ 1,200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10	Webster Woods	1.000	6.35	63.5	Q1	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Hammond Brook Pipe Replacement	0.800	7.87	63.0	Q1	\$ 541,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Citywide Financial System	0.867	7.10	61.5	Q1	\$ 1,537,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Winchester Storage Tanks	0.933	6.52	60.9	Q1	\$ 407,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	Rehabilitation of the Forest Grove Pump Station	0.900	6.73	60.6	Q1	\$ 409,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Sewer Inflow/ Infiltration Project - Area 5 - Newton Centre, Newtonville & Chestnut Hill	0.800	7.56	60.4	Q1	\$ 4,167,572	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Sewer Inflow /Infiltration Project - Area 6 - Newton Centre, Newtonville, Chesnut Hill, & Nonantum	0.833	7.22	60.2	Q1	\$ 5,981,859	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
17	System Upgrades at Station 1 & 2	0.817	7.33	59.9	Q1	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Sewer Inflow /Infiltration Project - Area 7 - Upper Falls, Highlands, Thompsonville	0.767	7.81	59.9	Q1	\$ 4,610,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
19	Library Interior Improvements	0.800	7.48	59.8	Q1	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Carr School - Air Conditioning	0.833	7.17	59.8	Q1	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Attachment 3. Project Operating/Maintenance Budget

17 June 2019, CPC staff projections

300 Hammond Pond Parkway/Webster Woods 10-Year Projected Annual Maintenance/Operating Budget											
	Fy20	Fy21	Fy22	Fy23	Fy24	Fy25	Fy26	Fy27	Fy28	Fy29	Fy30
initial estimated annual cost	\$2,000										
annual escalation (percentage)	2.0%										
projected annual cost	\$2,040	\$2,081	\$2,122	\$2,165	\$2,208	\$2,252	\$2,297	\$2,343	\$2,390	\$2,438	
Notes:											
Fy20 Conservation Commission budget for "grounds improvement" (land management/maintenance), excluding staff time										\$72,886	
Acres under Conservation Commission management (as of 2014, from Fy14-20 Open Space & Recreation Plan)										281.49	
Fy20 management/maintenance funding per acre										\$258.93	

Attachment 4. Conservation Commission Annual Operating Budget

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

CITY OF NEWTON BUDGET
DEPARTMENT LEGAL LEVEL OF CONTROL

	ACTUAL 2017	ACTUAL 2018	AMENDED 2019	YTD 4/11/2019	RECOMMENDED 2020	CHANGE 2019 to 2020
PLANNING & DEVELOPMENT SUMMARY						
51 - PERSONAL SERVICES	1,063,071	1,379,037	1,613,434	1,206,861	1,637,665	24,231
52 - EXPENSES	202,533	208,245	115,749	74,955	134,800	19,051
58 - DEBT AND CAPITAL	57,026	72,886	25,000	0	25,000	0
57 - FRINGE BENEFITS	123,053	161,666	212,506	135,404	193,733	-18,773
TOTAL DEPARTMENT	1,445,683	1,821,834	1,966,689	1,417,220	1,991,198	24,509
PLANNING						
51 - PERSONAL SERVICES	836,417	1,037,244	1,239,171	917,554	1,288,846	49,675
52 - EXPENSES	169,385	180,944	85,525	60,393	96,200	10,675
57 - FRINGE BENEFITS	108,965	147,256	197,790	123,209	179,062	-18,727
TOTAL PLANNING	1,114,767	1,365,445	1,522,485	1,101,157	1,564,108	41,623
CONSERVATION						
51 - PERSONAL SERVICES	65,635	104,884	129,494	100,134	139,605	10,111
52 - EXPENSES	1,164	376	2,000	679	1,700	-300
58 - DEBT AND CAPITAL	57,026	72,886	25,000	0	25,000	0
57 - FRINGE BENEFITS	1,030	1,639	2,104	1,623	2,198	95
TOTAL CONSERVATION	124,856	179,785	158,598	102,436	168,504	9,906
HISTORICAL						
51 - PERSONAL SERVICES	97,001	101,077	104,527	80,980	110,062	5,535
52 - EXPENSES	2,005	1,718	2,624	2,464	2,700	76
57 - FRINGE BENEFITS	12,003	10,764	10,559	8,997	10,978	420
TOTAL HISTORICAL	111,009	113,558	117,710	92,440	123,740	6,030
ECONOMIC DEVELOPMENT						
51 - PERSONAL SERVICES	31,841	92,726	95,508	73,468	99,152	3,644
52 - EXPENSES	26,674	23,904	22,200	9,880	34,200	12,000
57 - FRINGE BENEFITS	463	1,398	1,442	1,096	1,494	53
TOTAL ECONOMIC DEVELOPMENT	58,978	118,028	119,150	84,444	134,846	15,696
ZONING BD OF APPEALS						
51 - PERSONAL SERVICES	32,176	43,106	44,734	34,726	0	-44,734
52 - EXPENSES	3,305	1,303	3,400	1,538	0	-3,400
57 - FRINGE BENEFITS	591	609	613	479	0	-613
TOTAL ZONING BD OF APPEALS	36,073	45,017	48,747	36,744	0	-48,747

Attachment 4. (cont'd) Conservation Commission Annual Operating Budget

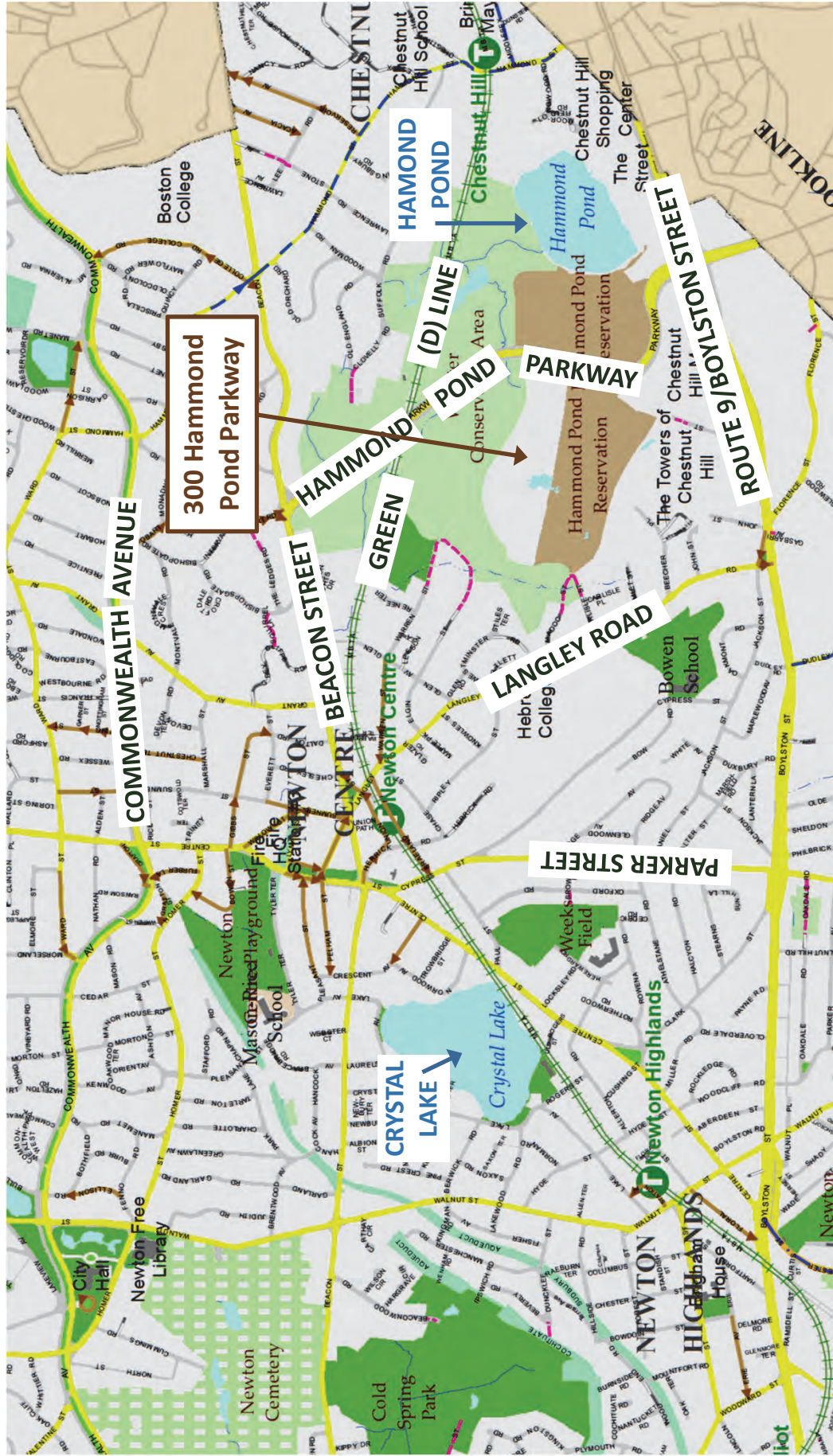
CITY OF NEWTON BUDGET DEPARTMENTAL DETAIL
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	ACTUAL FY2017	ACTUAL FY2018	AMENDED 2019	YTD 4/11/2019	RECOMMENDED 2020	CHANGE 2019 to 2020
0111402 - CONSERVATION						
PERSONAL SERVICES						
511001 FULL TIME SALARIES	65,135	104,034	128,244	99,334	138,355	10,111
514001 LONGEVITY	0	0	750	0	750	0
515005 BONUSES	0	350	0	300	0	0
515102 CLEANING ALLOWANCE	500	500	500	500	500	0
TOTAL PERSONAL SERVICES	65,635	104,884	129,494	100,134	139,605	10,111
EXPENSES						
5341 POSTAGE	936	119	1,000	94	250	-750
5342 PRINTING	83	0	100	0	500	400
5343 ADVERTISING/PUBLICATIO	0	0	0	0	750	750
5420 OFFICE SUPPLIES	145	122	200	99	200	0
5460 GROUNDS MAINT SUPPLIE	0	0	0	487	0	0
5730 DUES & SUBSCRIPTIONS	0	135	700	0	0	-700
TOTAL EXPENSES	1,164	376	2,000	679	1,700	-300
FRINGE BENEFITS						
57DENTAL DENTAL INSURANCE	0	121	226	173	234	8
57MEDA MEDICARE PAYROLL TAX	1,030	1,519	1,878	1,450	1,964	87
TOTAL FRINGE BENEFITS	1,030	1,639	2,104	1,623	2,198	95
DEBT AND CAPITAL						
5841 GROUNDS IMPROVEMENT	57,026	72,886	25,000	0	25,000	0
TOTAL DEBT AND CAPITAL	57,026	72,886	25,000	0	25,000	0
TOTAL CONSERVATION	124,856	179,785	158,598	102,436	168,504	9,906

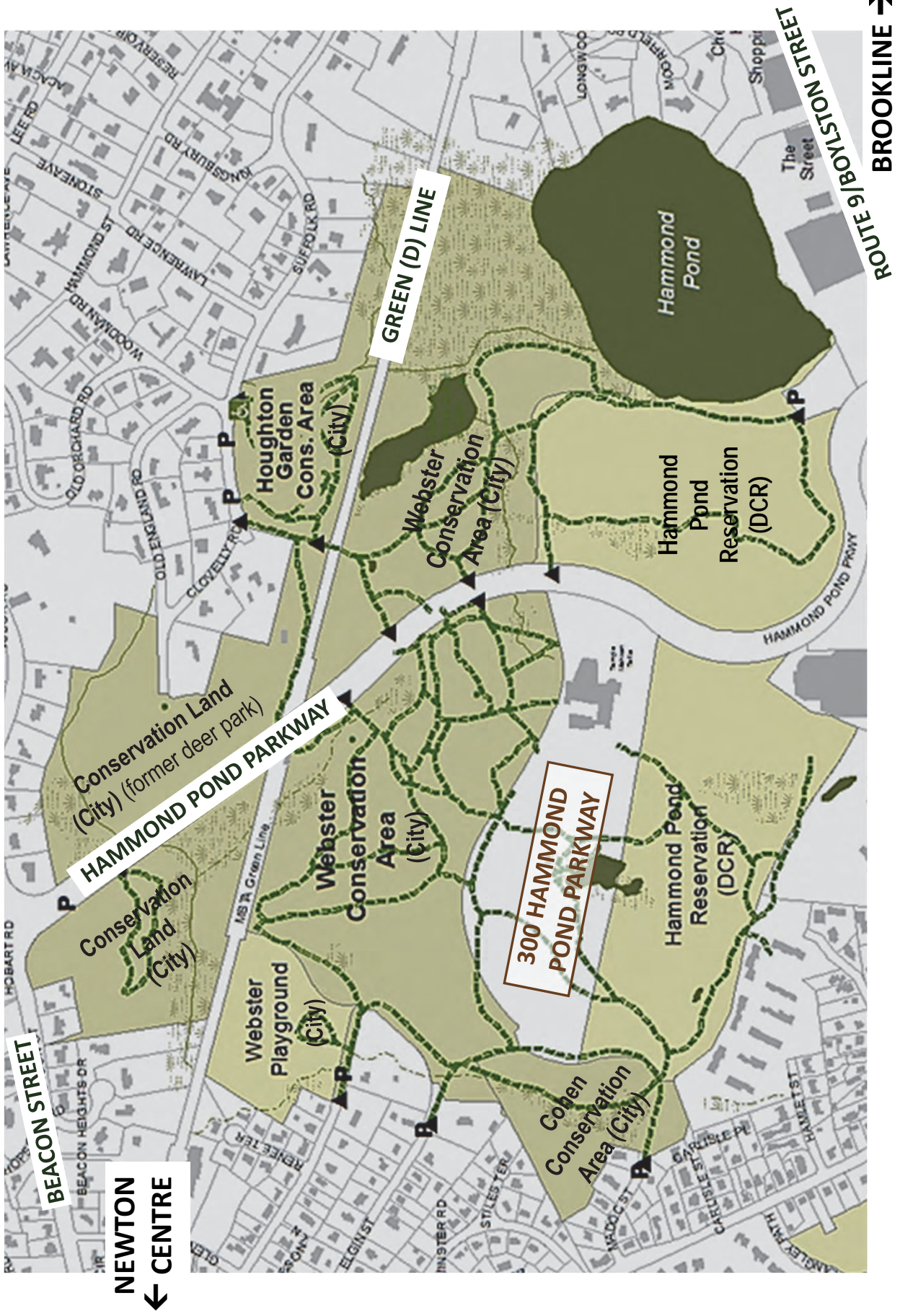
Attachment 5. Photographs of Webster Woods



MAPS: Location of 300 Hammond Pond Parkway



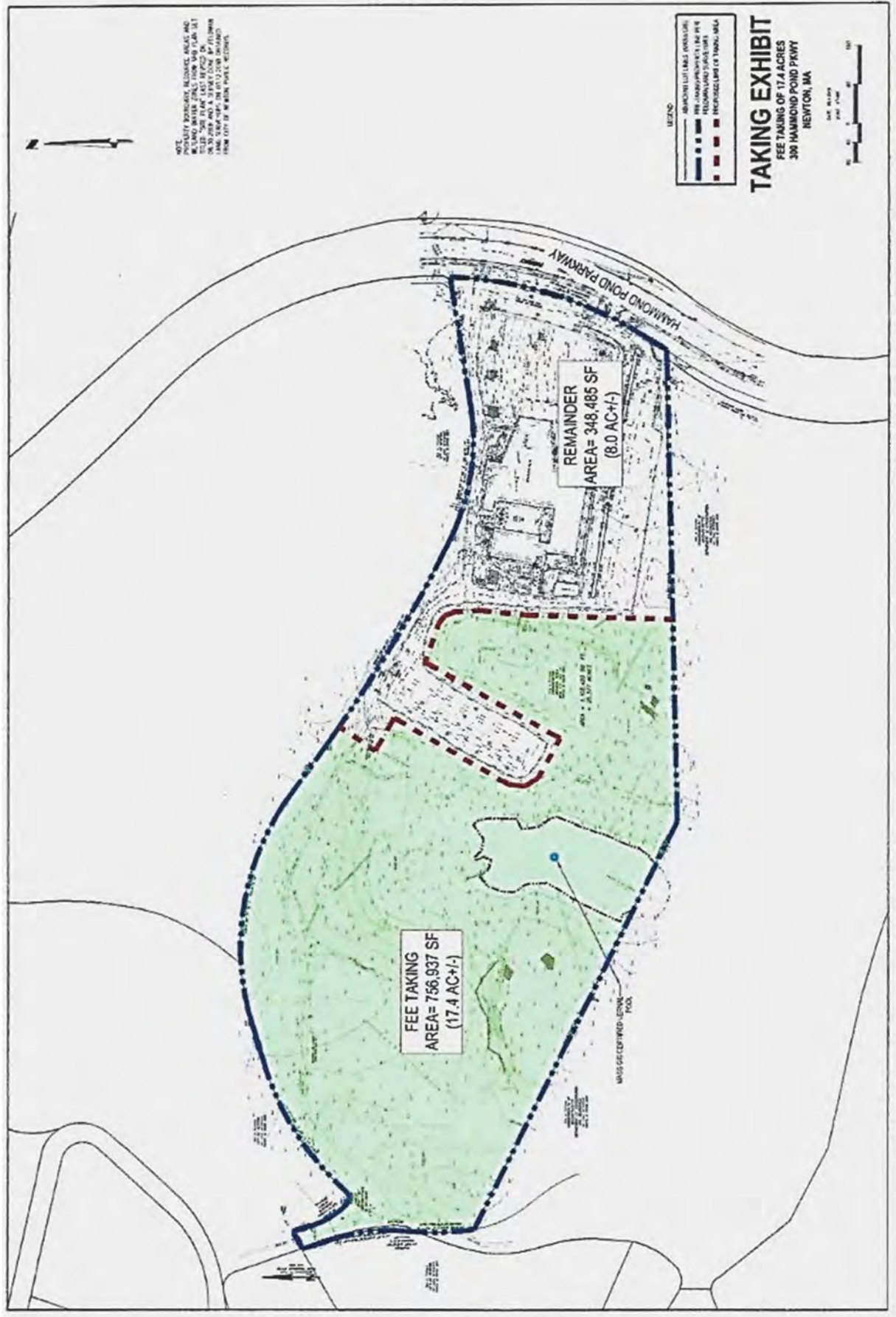
MAPS: Location of 300 Hammond Pond Parkway



NEWTON
← CENTRE

ROUTE 9/BOYLSTON STREET
→ BROOKLINE

MAPS: Map of the Webster Woods Parcel



NOTE: THIS PROPOSAL, INCLUDING ALL INFORMATION HEREON, IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE CITY OF NEWTON, MASSACHUSETTS, DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

Attachment 7. Appraisal Summary

The appraiser's one-page summary appears on the following page.

The full appraisal cannot be made public as part of this proposal. The full appraisal will be available for CPC members to read in the City Law Office and copies will be made available to CPC members for their reference at all CPC executive sessions.

Attachment 7. (cont'd) Appraisal Summary

James V. Toner Company

Real Property Appraisers & Consultants

October 3, 2019

City of Newton
c/o Jeffery A. Tocchio, Esquire
Drohan Tocchio & Morgan PC
Attorneys at Law
175 Derby Street, Suite 30
Hingham, MA. 02043

Re: 300 Hammond Pond Parkway, Newton, MA.

Dear Attorney Tocchio:

In compliance with your request, I am pleased to submit the following narrative appraisal report for the real property located at 300 Hammond Pond Parkway in Newton, Massachusetts to be acquired by the City of Newton for conservation purposes. This appraisal estimates the loss in fair market value to the subject property caused by the proposed acquisition of 17.4 acres in fee.

Based on the information contained within this report, it is my opinion that the loss in fair market value to the subject property as of July 15, 2019 is estimated to be:

\$15,200,000.00

Fifteen million, two hundred thousand dollars.

I hereby certify that I have carefully inspected the real property described, and the estimates as developed herein represent my unbiased judgment of the loss in fair market value as of the date of valuation. My complete certification follows.

Very truly yours,


James V. Toner III

25 Braintree Hill Office Park
Suite 200
Braintree, MA. 02184

Tel. (781) 214-6886
jvtappraisal@aol.com

**Officers**

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

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 Peter Barrer
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 Larry Smith

Advisors

Margaret Albright
 Lisle Baker
 John Bliss
 Lee Breckenridge
 Lalor Burdick
 Lucy Caldwell-Stair
 Michael Collora
 Ann Dorfman
 Bart Hague
 Alison Leary
 William Leitch
 Don Lubin
 Brooks Mathewson
 Eric Olson
 Anne Pearson
 Richard Primack
 Eric Reenstierna
 Jon Regosin
 Patricia Robinson
 Jane Sender
 William Shaevel
 Willis Wang
 Bruce Wenning

Attachment 8. Agreement to Hold Conservation Restriction

October 3, 2019

Newton Community Preservation Committee
 Planning & Development Department
 Newton City Hall
 1000 Commonwealth Avenue
 Newton, MA 02459

Dear CPC Committee Members,

The Board of Directors of the Newton Conservators attests that our nonprofit 501(c)(3) organization agrees to accept and to hold a permanent conservation restriction on the following property if it is acquired by the City of Newton: Webster Woods (300 Hammond Pond Parkway, Newton, MA 02467).

Our acceptance is conditional upon receiving a total of \$15,000 for monitoring the land and for enforcing the restriction in perpetuity.

We request that the money be made in one payment amount that our organization can invest to help ensure that there will be sufficient funds in perpetuity to cover our expenses associated with Webster Woods. We will use those funds only for monitoring or enforcement on that property, will account for the funds separately, and will submit documentation to the City Solicitor for all expenses incurred in that work. The Newton Conservators will submit an annual monitoring report to the Conservation Commission in the Planning Department.

Sincerely,

Theodore T. Kuklinski

Theodore Kuklinski, President

Katherine Howard

Katherine Howard, Treasurer

on behalf of the Board of the Newton Conservators

Attachment 9. Brief Property History

Webster Woods History

(based on <https://newtonconservators.org/property/webster-woods/>)

- 1650 Thomas Hammond began farming the eastern section.
- 1852 A railroad line, now the MBTA, was built. The culvert from the 1850 Hammond Brook Canal went underneath the tracks.
- 1896 Edwin Webster bought the land and moved the Kingsbury house to 137 Suffolk Road. The Websters lived at 307 Hammond Street.
- 1916 Webster gave 38 acres of the southern half to the Commonwealth.
- 1935 Webster donated a seven-acre playground at the end of Warren Street to the city.
- 1954 300 Hammond Pond Parkway was sold by the state to Congregation Mishkan Tefila, after an unsuccessful lawsuit by the City of Newton that attempted to block the sale.
- 1968-1979 The City of Newton took by eminent domain portions of the former Webster and Houghton lands for conservation.
- 1972 The City bought Webster Vale. This later became the Charles Cohen Conservation Area.
- 2016 Congregation Mishkan Tefila sold 300 Hammond Pond Parkway, including Webster Woods, to Boston College.
- 2018 Newton Mayor Ruthanne Fuller announced plans to work to protect Webster Woods.
- 2019 Boston College built a maintenance facility, including a salt storage facility, and installed stormwater management on the rear parking lot.

Attachment 10. Letters of Support Attached

Attached

1. City Council (2015 resolution)
2. Webster Woods Advisory Panel's September 5, 2018 letter to CPC
3. Jeff Goldman Op Ed column, Newton Tab, October 2, 2019
4. Friends of Webster Woods (rec'd October 4, 2019)
5. Newton Conservators ([updated October 9, 2019](#))
6. Richard Primack ([rec'd October 9, 2019](#))
7. Green Newton ([rec'd October 25, 2019](#))

Attachment 10. (cont'd) Letters of Support

#195-15(2)

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 years 0 days



(SGD) DAVID A. OLSON
City Clerk

Attachment 10. (cont'd) Letters of Support

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	Eric Olson
Peter Barrer	Richard Primack
Dan Brody	Stephen Small
Kathy Cade	Jennifer Steel
Suzanne Carleo	Ira Wallach
Jeffrey Goldman	Beth Wilkinson
Barney Heath	Jonathan Yeo
Ken Kimmel	Ouida Young

Attachment 10. (cont'd) Letters of Support

Newton TAB, Opinion Page, October 2, 2019

Webster Woods deserves our protection

By Jeff Goldman

Great news for the city of Newton: Mayor Fuller has decided to purchase the woods behind the former Mishkan Tefila temple from Boston College by eminent domain. This 17 acres of natural land is not only available to all Newton residents, it is available to everyone. Being located in the middle of the largest contiguous portion of Webster Woods 7 this land is essential for the flora and fauna living in Webster Woods.

Newton has much to offer residents and visitors alike. Being so close to Boston, Webster Woods provides Newton something very unique: a diverse ecosystem within a thriving intact forest. This forest could and most likely would be destroyed by any type of development BC would pursue if allowed to hold onto this land. Allowing Boston College to hold on to this land in perpetuity would mean that we would never know when BC decides to build dorms other structures that would bisect an intact woodland and ecosystem cutting off animal migration patterns. Or BC could decide to hold on to this land until the year 2053 when the current restrictions on this and the land could then be sold to a developer.

Mayor Fuller's decision is not only great news for the current open space and green space of Newton it also is excellent news for the future of Newton, its residents and visitors. Our previous mayor had an opportunity to buy this land and failed to do so. Intact land so close to Boston only appreciates in value. While purchasing the land now will be more expensive than it would have been for the previous mayor, this is probably our last chance to save this land. This land will become prohibitively expensive for the city to purchase in the future.

This land represents the largest open space and intact forest in Newton. If developed, this land will be gone forever. Given the monumental effort that our society is currently facing to reverse climate change, this is one small step that we can and should take locally to make sure that Newton is doing its part to resist development of more buildings. Development that will add to our city's carbon footprint, significantly reduce the number of trees that we have for taking carbon out of the atmosphere and make it much more difficult for our children to get to know the natural world of plants and animals that we currently have in our town.

The beauty of taking this land by eminent domain is not just in the trails and the trees. The beauty of this action is that no money needs to be diverted from the City's annual revenue that we all pay taxes towards. No property taxes need to be raised or overrides need to be considered. The money would come exclusively from Community Preservation Act (CPA) funds and resident donations. By law, the Community Preservation Committee can only spend CPA funds on Open Space, Historic Preservation, or Subsidized Housing.

Recently, Time Magazine devoted an entire issue to what our world may look like in 2050 given the current climate change issues we all now face. Looking ahead 30 years, would it not be a great gift to our kids and the next generation to secure the protection of Newton's largest intact forest system and associated wildlife in 2019? Webster Woods losing this parcel of land would cause our intact ecosystem to devolve into a non integrated patchwork of open spaces.

Just as we can currently look back on previous generations of people who had the foresight to permanently preserve the land that is currently Webster Woods, we should urge our Community Preservation Committee (CPC) and City Council to act with similar foresight. Foresight to take the necessary action to support Mayor Fuller's decision to purchase the central portion of the Webster Woods ecosystem by eminent domain from BC.

Jeff Goldman is steward of Webster Woods, mayor's advisory committee for Webster Woods

Attachment 10. (cont'd) Letters of Support

October 3, 2019

Dear Community Preservation Committee:

We write to you in support of Mayor Ruthanne Fuller's proposal to acquire a tract of wooded land currently owned by Boston College. This is land behind the former Mishkan Tefila temple, on Hammond Pond Parkway, comprising seventeen acres that bisect the Webster Woods, Newton's largest continuous forest.

This parcel is at the very heart of the woods. It includes a beautiful and environmentally sensitive vernal pool, the habitat of rare salamanders and vital to other wildlife and fragile ecosystems. Pink lady slipper orchids bloom on this land in the spring. Birds nest in the tall oaks. Hawks scream as they circle overhead and at night screech owls hoot from deep in the trees. On hot summer afternoons, when the rest of the city simmers, the woods are a place of cool reflection, a refuge from the noise and heat. After a snowfall, they become a winter cathedral, icicles glittering from twigs, rock ledges capped in whiteness, every footstep hushed. When they enter the Webster Woods, visitors feel the deeply steadying effect of the natural world and remember why it is critical to protect what is left of it.

This is land crisscrossed by trails, where people have walked under the trees for over a century, enjoying its peace and beauty. Parents bring their children to explore the rock ledges, bird watchers come with their binoculars and photographers with their cameras. One Newton resident recalls picking blueberries there with her mother over eighty years ago. "It was all the woods I ever knew," she says. Not only Newton residents appreciate Webster Woods; it is a resource for the entire region. According to Boston University botany professor Richard Primack: "Each year, hundreds of students from Boston College and Boston University come to the woods to learn basic ecological principles, bird and plant-identification skills, and the scientific method. For some of these students, this is their first outdoors research experience."

The benefits of protecting Webster Woods are very clear. So are the dangers if we do not. Should this land be developed by Boston College, our last swath of uninterrupted forestland will become pockets of trees.

Mayor Fuller has tried repeatedly to negotiate with Boston College over the past year. In 2016, our former mayor, Setti Warren, reported to local media that Boston College was "willing to work with us to protect the land, preserve the land." Something has obviously changed. The college now refuses to commit to preserving the woods, and Mayor Fuller has concluded that it would be in the city's best interests to own the land in order to protect it.

We fully support Mayor Fuller's conclusions and urge you to approve the funding needed to acquire the land by eminent domain. Many of us have tried to explain the importance of protecting the planet from climate change to our children. We now have a chance to show them what protection looks like by saving our own Webster Woods. Future generations will hold us accountable if we do not preserve and defend this precious, irreplaceable Newton resource.

We understand that acquiring this wooded parcel will be an expensive and lengthy process and we pledge to do all we can to support the City throughout.

Thank you,

The Friends of Webster Woods


Ken Kimmell, co-director

Attachment 10. (cont'd) Letters of Support**Newton Conservators Position on Webster Woods**

approved by full Board 9 October 2019

Newton Conservators enthusiastically supports [Mayor Ruthanne Fuller's proposal to permanently preserve 17 acres of Webster Woods](#), either through negotiation with Boston College or by an eminent domain purchase.

Webster Woods is the heart of the largest contiguous forest in Newton. For more than 100 years, since Edwin Webster donated the conservation land to the Commonwealth of Massachusetts, the woods have been open to the public for walking and nature study. The land now owned by Boston College is entirely surrounded by city and state conservation areas.

In 1954, when the state announced plans to sell part of the woods to Congregation Mishkan Tefila, [the City of Newton went to court to try to block the sale](#). But throughout the 60 years since the 8 acres of the temple's land facing Hammond Pond Parkway was developed, the public has enjoyed unrestricted access to the remaining 17 acres of the woods, which are crossed by numerous hiking trails.

The City of Newton has a long history of commitment to preserving the woods, and it received many assurances that Boston College was willing to have the woods preserved:

- | | |
|-----------------|---|
| October 5, 2015 | The Newton Board of Aldermen unanimously approves a resolution urging Mayor Setti Warren to "work to preserve the recreation and conservation character of 300 Hammond Pond Parkway." |
| October 7, 2015 | The Boston Globe reports that Congregation Mishkan Tefila's advisor acknowledges the city's interest in saving the woods:
"Ted Tye, managing partner at National Development, who has been working with Congregation Mishkan Tefila for the past two years on its plans to sell, said the city 'was well aware' members were seeking a buyer for the property. 'The city has already reached out to Boston College,' he said. 'At the right time, the discussion of open space preservation will be an easy one.'" |
| Fall 2015 | According to a later report in the Newton Tab , Mishkan Tefila President Paul Gershowitz sends an email saying the following:
"Boston College is well aware of the interest in protecting the undeveloped areas of the property and we trust that they will be a good partner in working with the city on this matter at the appropriate time." |
| May 31, 2016 | Boston College completes its purchase of the parcel. |
| October 5, 2016 | The Newton Tab reports assurances received by Mayor Warren:
"Boston College has indicated it is open to working with the city to preserve the undeveloped portion of land the university purchased from Congregation Mishkan Tefila earlier this year, Mayor Setti Warren said Wednesday." |
| August 2017 | Mayoral candidate Ruthanne Fuller announces her commitment to preserve Webster Woods:
"We need permanently to preserve and to protect the remaining open space within the parcel, including public use of the undeveloped wooded portion... ." |



Mayor Fuller's proposal would leave Boston College in control of the 8 acres of the site that were developed by the temple. Her action would affect only the 17 acres of Webster Woods now owned by Boston College. We applaud Mayor Fuller for taking action to fulfill the city's 2015 commitment to preserve the woods.

Boston College has announced its objection to the Mayor's proposal, but has not explained its plans for the woods. We are very concerned that Boston College plans to develop, and thereby destroy, the woods. Newton Conservators believes that now is the appropriate time for Boston College to follow through on the public commitments made in 2015 and 2016 that Webster Woods will be protected.

We urge Boston College to negotiate a sale of the wooded 17 acres to the City of Newton. If negotiation is not successful, we urge the City Council to authorize the Mayor to acquire this land by eminent domain.

October 9, 2019



Newton Community Preservation Committee
Planning & Development Department
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Members of the Newton Community Preservation Committee,

I am a Professor of Biology at Boston University, and our family has lived on the edge of the Webster Woods for more than 60 years. I strongly urge you to act to preserve the wooded area of the Webster Woods currently owned by Boston College. 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 Webster Woods, as well as pink lady slipper orchids and other wildflowers. The woods also has many other distinctive examples of vegetation types, trees, land use patterns, and geology. Classes from Boston University, Boston College, and other educational institutions use these woods and the adjacent Hammond Woods for class field trips and observations.

The Boston College land lies in center of the Webster Woods, and has species that I have not seen elsewhere in the woods. If the Boston College 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. Such a fragmented landscape has lower moisture levels, higher light levels, and more human disturbance, all of which negatively impact sensitive species.

On a personal note, the Webster Woods, which are close to my home of more than 60 years, has had a tremendous influence on me during my childhood (and that of my brother Mark and friends), my past and current research, and the growing up of my own children. These woods 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. Our daughter Willow said that her childhood experiences of hiking and exploring in the Webster Woods contributed to her abilities as an officer in the U.S. Army.

The Webster 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 Boston University students and neighborhood children. A large number of insights that I developed from these woods have been incorporated into my scientific articles and my textbooks in conservation biology that are used across the United States and around the world. My students and I continue to study plants in the Webster Woods, and to write about what we have learned. The Webster Woods is also currently being used by Boston University researchers for a major study of air quality in the Boston area.

If these woods are fragmented and damaged by the development of the Boston College land, the value of these woods for the protection and enjoyment of nature will be diminished for Newton citizens of this and future generations. Their scientific and educational value will also be reduced. I urge you to act to protect these woods.

Sincerely,

A handwritten signature in cursive script that reads "Richard B. Primack". The signature is written in black ink and is centered on the page.

Richard Primack

Professor of Biology
primack@bu.edu
1-857-636-8378

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Boston University
5 Cummington Street
Boston, MA 02215, USA

Celebrating 29 Years of Environmental Leadership**GreenNewton**

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Jean MacRae
Eric Olson
Matt Pawa
Heather Tausig
Jay Walter

Friday, October 25, 2019

Dear members of Newton's Community Preservation Committee,

On behalf of Green Newton, I am writing to you in support of Mayor Ruthanne Fuller's proposal to permanently preserve 17 acres of Webster Woods, either through negotiation with Boston College or by an eminent domain purchase, primarily because this property is the heart of the largest contiguous forest in Newton and the woods ought to remain open to the public for walking and nature study.

The land owned by Boston College is surrounded by city and state conservation areas. Throughout the 60 years since the seven acres of land facing Hammond Pond Parkway was developed, the public has enjoyed unrestricted access to the remaining 17 acres of the woods, which are crossed by numerous hiking trails.

Green Newton agrees with Mayor Fuller's proposal to leave Boston College in control of the 7 acres of the site that were developed by the temple. Her action would affect only 17 of the acres of Webster Woods now owned by Boston College. We are concerned that Boston College plans to develop, and thereby destroy, the woods, so we urge a negotiated sale of the wooded 17 acres to the City of Newton.

If the negotiation for the Webster Woods property is not successful, we urge the City Council to authorize the Mayor to acquire this land by eminent domain.

Thank you for considering this request from Green Newton.

Respectfully,

Marcia Cooper, President Green Newton

Webster Woods Public Access

Newton, Mass.

Map Date: 11-22-2019



300 150 0 300 Feet



- Public Access
- T Public Access with Conservation Trailhead sign w/ Footpath

The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



CITY OF NEWTON, MASSACHUSETTS
Mayor - Barbara Fuller
GIS Administrator - Douglas Greenfield

