

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, JANUARY 24, 2006

Present: Ald. Linsky (Chair), Lennon, Hess-Mahan, Yates, Parker, Vance and Lappin

Absent: Ald. Sangiolo

Also Present: Ald. Baker and Danberg, Rob Ricchi (Planning Department), Nick Parnell (Commissioner of Public Buildings), Mike Duff, Community Preservation Committee Members: Charles McMillan, Steve Fauteux, and Judy Jacobson

*Note: Prior to the start of the meeting Rob Ricchi was asked by Chair Linsky to update the Committee on the Flowed Meadow open space project (phase 3). Mr. Ricchi noted that Martha Horn is in charge of the project but because the Angino Farm project has taken up the majority of her time, the original goal for this particular phase has been delayed a few months. He went on to assure the Committee that the project is indeed on track, stating that Ms. Horn has completed the bid documents needed to be submitted to the City's landfill consultant and that work will hopefully begin in the spring. In response to Ald. Hess-Mahan's inquiry, he did not expect the costs to rise because of the delay. Mr. Ricchi also noted that the project required review for compliance with new landfill regulations promulgated by the Department of Environmental Protection.*

**REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE**

#458-05 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$55,675 be appropriated from the Community Preservation Fund for purposes of studying and planning the restoration of the Crafts Street Stable Exterior Building Historic Preservation Study.

**ACTION: APPROVED 4-0-3 as amended to \$65,675.00 (Linsky, Lappin, Parker abstaining)**

**NOTE:** The Committee was joined by Charlie McMillan from the CPC and Nick Parnell from the city's Building Department. Mr. McMillan reported that, by way of background, the Public Works Department came forth last year with a proposal for a larger amount of funds and the CPC requested that the applicant provide a smaller and more specific proposal. The applicant then submitted a proposal for \$65,575, which would include an historic study and design plan for the Crafts Street Stable building. *[note: the figure in the docket item should be amended to read \$65,675.00]*

CPC member McMillan and members of the Committee acknowledged that this was an historic building. It has been used as the central location for the Public Works Department and it is now deteriorating badly. The study was requested from the applicant in order to inventory the weak points and assess where the money would be best spent. The \$65,675.00 requested for this project would provide for a preservation consultant, structural engineer, energy auditor, and coordinating architect. The remaining (\$675.00) has been included for reimbursement to the law department.

#### Energy Audit Component

Ald. Linsky and Lappin inquired as to whether including an energy audit was permissible under the CPA and directed the CPC to get an opinion from the Law Department. Mr. Parnell noted the energy audit came out of a request from the CPC.

#### Potential for Combination with Other Studies

Ald. Lennon noted that currently the city has someone on board doing a study of many of the public buildings, especially the fire stations, along with some of the schools and inquired about incorporating this building into that study to consolidate efforts and save funds. Ald. Lappin noted that this was true in respect to energy auditing. Ald. Hess-Mahan noted that previous studies had been done in tandem, such as the city hall/war memorial restoration project in order to save monies and was wondering whether the same potential savings could be done here in respect to the Crafts St. building and the Public Health building.

Building Commissioner Parnell responded that Ald. Lennon's idea was considered. However, a building of this nature requires a different kind of study than the fire station buildings. The fire stations will require a full building infrastructure assessment, and this study will involve just looking at the envelope.

In response to a concern raised whether the study would be used and not gather dust, both CPC member McMillan and Building Commissioner Parnell indicated that this study would be used. Mr. Parnell indicated that he will not let a \$60,000 study sit on the shelf that the city needed this building, particularly its potential for storage.

Ald. Vance raised the question of whether or not these studies would include an evaluation of what the renovation might cost and/or where we might obtain the funds to maintain these properties. He suggested that if we ultimately put up money to restore the Stable and to restore other city buildings such as the Health Department building, it is important that future maintenance be considered, in an effort to ensure that these buildings are not neglected. Ald. Parker and others have observed in the past that, if these buildings were better maintained over the years, perhaps we would not see so many of them seeking restoration funds, at least not all at once. The critical part of any study has to include the maintenance element, how it will be handled, where the funds will

come from and what it will cost, both in terms of recreation projects and public buildings projects.

Commissioner Parnell agreed with Ald. Vance's point and assured the Committee that he will have a plan for both buildings (Crafts Street and the Health Department) in terms of maintenance. Commissioner Parnell was asked to produce a segmented product to the Committee.

#### Study Content/Duration

In response to Ald. Danberg's question as to whether the study would include plans that the architect would provide that would be put to or followed by the restoration consultant. Commissioner Parnell indicated the study would include interior floor plans but not uses. Ald. Danberg also inquired as to whether the city already had an existing floor plan of the building to which Commissioner Parnell indicated that the plans the city had were minimal and outdated.

In response to an inquiry by Ald. Lennon, Commissioner Parnell indicated the study would take approximately 6 months to complete. Ald. Lappin thought that 6 months seemed like a long time.

#### Matching Support

Ald. Lennon noted the need for other matching monies as a means of demonstrating public support as the CPC has required of other CPA projects. Mr. McMillan noted that this study project met the requirements of condition #6 which requires the applicant to demonstrate a good faith effort on the part of the applicant to substantially leverage other funding sources. Once the building is solid, Commissioner Parnell indicated he has no problem with working with the Jackson Homestead or any other department. He went on to say that he needed to come back to the Board with solid evidence of how the money will be spent, the plans for the stable, and how much it will cost.

#### Present Needs/Future Plans

Ald. Linsky asked what the particular urgency is about stabilizing the building as there are many other items before the Committee that a lot of people ask for studies and some them may have higher or lower priorities for the actual project to get done. He requested that either Mr. Parnell or Charlie McMillan provide information on where this particular project (and the Health Department building project) ranks in terms of all current City projects. Mr. Parnell indicated he would provide an inventory of historic public buildings. Ald. Lappin wondered whether the list included public school buildings.

Mr. McMillan asked, generally, in what period of time deferred maintenance creates the need for restoration. There is some point where that happens.

Ald. Hess-Mahan noted his interest in knowing where we would go from here. He stated his support for this project if it will prevent the City from spending more money in the long run. He understands that the Stable is an important public and historically significant building, and he would like to see it fixed so future generations can enjoy it. He pointed out that Mr. McMillan has no simple way of prioritizing these kinds of projects. It is necessary to rely upon the Public Buildings Preservation Task Force to make that determination as that is part of what their function is.

Ald. Yates (who is currently serving as Co-Chair of the Public Buildings Preservation Task Force) stated that the Task Force has spent a lot of time walking through and investigating every level of this structure and surveying it from outside. He stated that he agreed with Commissioner Parnell, and it was his opinion that the building may not go tomorrow but it will go. He also stated that it was his understanding (after speaking with employees of the Department of Public Works) that a lot has been done to make the parts of the building as functional as it can be with what they have. There are some parts of the Stable that are now beyond repair (what someone can do in their spare time in work). The windows have not been touched in a long time, and it shows. The sides of the building, particularly the water stains, the deterioration is so bad now that two years from now would increase the cost. As to future plans, the impression Ald. Yates had was that the space which is most useful for non-DPW functions would be the part of the third floor where the horses used to be, which is now used for storage of traffic signs.

Mr. Olson, City Clerk, stated that he was currently seeking storage space, not for treasures that need atmospheric control, but for bigger and bulkier items. He stated that, in some cities and towns, when buildings get run down and precious parts of the building could be saved and used at another site (i.e. something that needs a good amount of floor space to be used efficiently), the concept of architectural salvage is used. He stated that, in his opinion, the open space on the third floor of this building, once the traffic signs are removed, has significant potential. He informed the Committee that it was his understanding that Commissioner Rooney is in favor of this idea as well.

Ald. Lennon inquired about the length of a study of this kind. Mr. Parnell stated that it would take about six months for the study alone, with review periods in between.

Ald. Parker recognized that there is a need to renovate this building, fixing it up and doing something useful with it, whether its storage or historic use. The part he is concerned with is what Charlie McMillan stated that the worst case scenario would be the study would be done and then sit on the shelf for ten years, Ald. Parker feels more comfortable voting for a study if he knows what the next step was, for example, as soon as the study is done, 50% of the funding would come from bonding, 50% would come from Community Preservation Funds. Ald. Parker noted that Mr. Parnell will fight for the building, but he feels that logic would dictate a complete plan. What he has learned from this discussion is that \$65,675 will be spent without having any idea where the other

half a million dollars will materialize from to complete the project. Ald. Parker believes that it would inform the study if there were some inclination of what direction people wanted the site to be used for. Noting that Mr. Parnell has one vision where half of the site would be Public Works and half something else; others would like the whole building to be used for one particular purpose. He feels that it would be helpful to have some information on what the vision is or at least what a couple of the options are before going into the study.

Mr. Parnell disagreed, stating that the study should not be delayed and wants to do anything necessary to keep that building from further deterioration. Mr. Parnell reminded the Committee that, with every day that passes the costs rise. He explained that, when a building made of brick is not stabilized, the issue of water getting in becomes a concern, because that can cause huge destruction as far as separation of joints, etc. In Mr. Parnell's opinion, the building has been neglected for a long time now, and he believes that the Stable and the Health Department Building are both very high priorities on the list of current projects.

On a motion by Ald. Yates to approve, the Committee voted 4 in favor (Yates, Hess-Mahan, Vance and Lennon), non opposed, three abstaining (Lappin, Linsky and Parker), one absent and not voting (Sangiolo).

**REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE**

#459-05      COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$26,425 be appropriated from the Community Preservation Fund for purposes of funding the historic preservation study for Newton Health Department Building Improvements.

**ACTION:**      **APPROVED 6-0-1 (Lappin abstaining)**

**NOTE:**      Charlie McMillan presented this item, stating that this proposal was similar to the previous item. This project breakdown consisted of: \$20,750 for architectural and profession restoration services, \$5,000 to conduct the building energy audit and \$675.00 for legal services. It's a smaller building but a needy building in respect to masonry, windows, exterior restoration, gutters, etc. It may also have termites. Mr. McMillan believed that the requested amount is a reasonable investment in restoring this building, and all the other terms and conditions are the same as the Stables.

Ald. Yates noted that his Public Building Preservation Committee supported the restoration of both the stable and this building. Mr. Parnell noted that this building was once a library, it then became a food bank before the Health Department occupied it. He believes this building deserves a study. The building was built in 1927 and residents of Newton Centre raised the construction funds.

Ald. Danberg added that the citizens of Newton Centre love the building. She would very much like to it preserved as it is an important part of the visual landscape of Newton Centre. Ald. Parker, recalling the previous discussion, inquired as to what point Community Preservation funds become used in repairing buildings. He agreed this building is in need of repair. The question is whether the city can legally use CPA funds for this purpose as a proper way to repair its public buildings.

Ald. Parker agreed with Ald. Lappin's idea of listing all of the facilities in the City that need to be dealt with. He went on to suggest that some percentage of funding might come from CPA funds, some percentage would come from the operating budget, and some percentage would come from bonding.

Ald. Yates stressed that ultimately it is all taxpayers' money and the more complex we make the funding the more the task will be delayed.

Ald. Hess-Mahan noted that since the first CPC approval of a study, a number of requests have been coming up for relevant studies such as playgrounds, parks, etc.. As with the Stables, he does not want the building to be lost in the process of arguing over a study. He felt he would have benefited from seeing the proposal presentation at CPC.

Mr. McMillan represented that the CPC, ever since approving the study of the Brigham House, felt that this approach was prudent and responsible.

Ald. Vance noted that the presentation on this proposal was inadequate in respect to Goal #3 – addressing the project's cost/benefit.

On a motion for approval by Ald. Yates, the Committee voted 6 in favor (Vance, Hess-Mahan, Lennon, Parker, Linsky, Yates) none opposed, 1 abstention (Lappin), 1 absent and not voting (Sangiolo).

**REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE**

#466-05 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$320,550 be appropriated from the Community Preservation Fund for purposes of funding the pilot Accessory Apartment Incentive Program to create affordable apartments.

**ACTION:** **APPROVED 7-0**

**NOTE:** Judy Jacobson joined the Committee, along with Syd Kane (Executive Director of Community Living Network), one of the sponsors of this project, along with Mike Duff. Ms. Jacobson noted this proposal tested the waters to see if Newton homeowners were willing to create small apartments in their houses. This approach represented one way to create additional housing units without increasing density.

The project budget consists of potentially up to \$270,000 for financial assistance, \$47,640 in administrative costs, which will include a part time staff person who will be available to homeowners who already have accessory apartments and have questions about the bylaws and how to go about in making the apartment legal. The administrative person will also assist those who might need some financial assistance making the apartment legal and code compliant. One option is a grant which can be up to \$90,000 towards making the apartment legal. In exchange for the grant, the homeowner will have to agree to a permanent deed restrictions for the rental unit making it permanently affordable (80% at or below median).

Restrictions will apply as to who the apartment can be rented to. Students or domestic employees (nannies, etc.) would not qualify. For those who might not be willing to agree to a permanent restriction there are loans that are available, it is complicated, the loan will charge interest, the interest will be at market rate, the interest will accrue over time, and the homeowners will not have to make regular payments, it will be deferred. If the owner at some point wanted to sell the property or get out of this arrangement they could prepay at any time. There is a built-in declining prepayment fee, intended to repay any administrative fees. There is also a five year period where the unit is to remain affordable. The deed restriction will prevent the owner of the property from leaving the property vacant. The salary of the owner and tenants will be monitored annually as in all other assistance programs. Most of the loans are for 30 years. At the end of the thirty years, the interest is forgiven, and the principle is due. Ald. Hess-Mahan noted to the extent the program was targeted to seniors, repayment would likely come out of proceeds from a sale.

In response to Ald. Vance's inquiry as to whether the interest is compounded, Ms. Jacobson indicated she believed it was simple interest. In response to Ald. Vance's question as to whether the technical assistance was limited to either a grant or loan application, Ms. Jacobson further indicated the technical assistance was not so limited.

Ald. Lennon wondered what would happen if the administrative costs, geared at 15% of the program, became depleted. Mr. Duff indicated the city might take then take on the administration. Ald. Hess-Mahan noted that the petitioner (CLN) wouldn't be making money on the administrative end but were the logical choice since they were well acquainted with the needs of the main targeted population. Ald. Hess-Mahan noted there are estimated to be some 1,000-1,500 illegal accessory apartments in the city that may not be up to code. This program provides an opportunity to get them up to code and to increase the city's stock of one bedroom apartments.

Ald. Baker stated that the proposal has been modified over time and he feels that it has improved. There are some issues still outstanding. One such issue being that normally the Board does not provide technical assistance by an outside vendor to someone who comes through the special permit process. He stated that some things need to be clarified, the Planning Department is being asked to respond to special permits and the City has never

funded the Planning Department to help someone apply for a special permit, the division of labor needs to be kept in mind. Ald. Baker felt it should be clear whether this project is designed to provide affordable housing opportunity to people who would not have it or whether it is designed to provide accessible apartments. Ald. Baker also felt there should be assurance the program targeted the neediest since there is no income restriction for homeowners applying for a loan. Ald. Hess-Mahan pointed out that there would be prioritization based on need.

Ald. Lappin was interested in knowing how the survey had been completed. Ms. Kane indicated that the previous executive director, Ms. Layden had conducted the survey and that 40% of those polled (largely from Newton Senior Center and Council on Aging) indicated they would use the program in order to be able to stay in their own homes. Ms. Jacobson acknowledged there was a relatively small polling sample. Ald. Lappin also raised concerns over whether the administrator would know city zoning law and who would provide ongoing oversight over the loans if the CPA was repealed. Ald. Hess-Mahan responded that there would be a city counterpart. Mr. Duff stated that the Planning Department will work in conjunction with the Housing Authority and CAN-DO in processing the loans and overseeing the process.

In response to a series of questions raised by Ald. Vance, Ms. Jacobson and Mr. Duff represented that deed restrictions would prevent homeowners from using it for personal purposes.

Ald. Parker stated that this item has been discussed for years and he has always felt that it is a great idea. The only problem with this particular project is that the deed restriction seem excessive, he feels that at the end of the thirty-year loan the principle should be forgiven as well. The other issue he has is there being income limitations of the owner. He does not agree with the provision of discriminating against students, it should be clarified as a restriction. It only should go by whether or not the applicant for the apartment can be claimed as a dependent by someone else.

Ald. Parker offered to make a motion for approval with an attached resolution. Before it gets to Finance, CPC can, if necessary, remove the owner income restriction for the loan, remove the restriction for the students and replace it with the previously stated "tax dependant rule", and if CPC does not want to change these provisions they don't have to.

Committee Chair Linsky polled the Committee in respect to Ald. Parker's suggested resolutions. The Committee approved removal of the restriction regarding the income of the homeowner by a vote of 5-2 (Linsky, Vance opposed), but did not approve removal of the student restriction: 5 opposed (Vance, Hess-Mahan, Lennon, Lappin and Yates), 1 abstaining (Linsky). On a vote to approve the main item, the Committee voted in favor 7-0, Sangiolo not present and voting.

**REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE**

#468-05 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$205,000 be appropriated from the Community Preservation Fund for purposes of funding the Bowen Park Initiative for open space and recreation improvements.

**ACTION:** **APPROVED 6-0**

**NOTE:** CPC member Steve Fauteux presented this item, along with two members of the Bowen PTO, Bea Milan and Patricia Kelly.

The project involves improvements to the playground area and surrounding park, including new drainage for the area that typically floods. The Engineering Department has come up with a plan, proper drainage is critical to the whole project. When drainage is achieved, the plan is to put in a surrounded grass area, outside of where the kids play, a new shaded seating area, the basketball court would be renovated, the driveway would be removed and replaced, walkways would be put in, removing some inappropriate plants, and some improvements to the play ground equipment, making some handicap accessible. A new amphitheater would be installed. The total cost of the project is approximately \$255,000 some \$54,000 of which has been raised from other sources including the Bowen PTO.

Mr. Fauteux represented the neighborhood is in complete support of the project. Ald. Hess-Mahan and Ald. Parker noted their impression that there was great community support for the project. Ald. Danberg also noted the great community support and that the proponents had seemed to have done their homework.

Ald. Lappin wondered whether there were issues regarding purpose of playground equipment using CPA monies. Mr. Fauteux thought it was not an issue referring to Albemarle Gath pool project. Ald. Vance thought the project offered more than the outdoor classrooms in respect to recreational opportunities and indicated his support. Ald. Lennon similarly indicated this project epitomized the need for the CPA but wanted further clarification on the use of play equipment.

Ald. Parker offered a motion for approval. On a vote of 6-0 (Ald. Sangiolo and Yates not present and voting), the Committee voted in favor of approval.

**REFERRED TO FINANCE AND CMTE. ON COMMUNITY PRESERVATION**

#426-05 ALD. BAKER et als proposing acquisition by the City of Newton or related agencies of all or partial interests in appropriate properties in Newton using Community Preservation or other funds to preserve or enhance such properties for various public purposes.

**ACTION:** **HELD 7-0**

**NOTE:** Ald. Baker docketed this item in order to clarify what the Board's authority is to eminent domain with Community Preservation Funds in respect to the purchase of properties, as the Board can with other funds. From his conversations with the Law Department, Ald. Baker came to the conclusion that it would be appropriate to make this clear before it become an issue. He feels that a little background research now will save time later.

Ald. Parker wondered why the city wouldn't have authority and believed it was provided for in the CPA enabling statute. Charlie McMillan indicated he did not think it presented an issue and Judy Jacobson said she would inquire with the CPA coalition. Ald. Lappin felt it did not hurt to ask.

On a motion to hold by Ald. Vance, the Committee voted 7-0 (Ald. Sangiolo not present and voting) to hold.

All other items were held.

On a motion by Ald. Parker, the Committee adjourned at approximately 10:47 p.m.

Respectfully Submitted,

Stephen M. Linsky, Chair