

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT  
SPECIAL JOINT MEETING WITH REAL PROPERTY REUSE COMMITTEE

TUESDAY, FEBRUARY 28, 2006

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

Real Property Reuse Committee members present: Ald. Gentile (Vice-Chair), Weisbuch, Johnson, Salvucci, Samuelson, Danberg and Baker; Absent: Ald. Lipof (Chair)

Also Present: Eileen McGettigan (Assistant City Solicitor), Sanford Pooler (Chief Administrative Officer)

**REFERRED TO CMTE. ON COMM. PRESERV. AND REAL PROP. REUSE**  
**CMTE.**

#161-05(2) ALD. YATES requesting an amendment to the Real Property Reuse Ordinance to protect the investment of Community Preservation Act funds in historic city properties.

**REAL PROPERTY REUSE APPROVED AS AMENDED 5-1-1**  
**(Salvucci opposed; Gentile abstaining)**

**ACTION: APPROVED 4-0-2 (Lennon, Parker abstaining); SUBJECT TO**  
**SECOND CALL**

**NOTE:** For details of this discussion please refer to the Real Property Reuse Committee Report of 2/28, under separate cover.

***CLERK'S NOTE: This item was approved by vote of the Full Board (20-2, with Ald. Parker and Salvucci opposed; Ald. Danberg and Gentile absent) on 3/6/06.***

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

#161-05 HIS HONOR THE MAYOR proposing an ordinance amendment for the preservation of city-owned properties subject to funding under the Community Preservation Act.

**ACTION: HELD 5-0-1 (Lennon abstaining)**

**NOTE:** Since the Committee had spent a significant amount of time discussing docket item #161-05(2) jointly with the Real Property Reuse Committee, and due to the fact that more information would be needed to take final action on this item, Ald. Parker moved that it be held at this time. That motion carried by a vote of 5-0-1, with Ald. Lennon abstaining.

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

#96-06      COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$753,700 be appropriated from the Community Preservation Fund for purposes of funding the *Stearns and Pellegrini Parks Phase I Improvements* recreation project.

**ACTION:**      **APPROVED 7-0-1 (Linsky abstaining)**

**NOTE:**      The Committee was joined by CPC Chair Andy Stern, and by Tom Cahill from the city Parks and Recreation Department and Danielle Bailey from the Community Development office.

CPC Chair Stern noted that the original proposal filed before the CPC was for two separate appropriations, one for Stearns Park and one for Pellegrini Park for the original studies on each. Through the Community Preservation Committee review process, it was advised that these two projects be combined so that the studies could be conducted by the same consulting firm (or consultant), in conjunction with the Planning and Development Department (due to involvement with CDBG funding). It was suggested that, by combining these two projects, it would be expected that the cost for the studies would result in economies of scale and cost savings on the overall cost of the project.

The firm of Pressley Associates, Inc. developed plans for the work involved in the improvements for each park (one copy of the complete proposal is available in the Clerk's office for review; there is also a copy on file in the Planning & Development Department). The Community Preservation Committee suggested that the components of both parks be surveyed to avoid duplication of functions and facilities. Tom Cahill reported that approximately \$5,000.00 was returned to the CPA from the remaining budgets of the initially approved study.

CPC Chair Stern explained that the estimated price tag for the entire project would be \$2.7 million. The CPC was not in favor of dedicating that entire amount to this project, since that number represents a sizeable portion of its overall budget in any given year. Therefore, it was suggested to the petitioner that this project be approved in phases. The CPC approved \$753,700.00 for Phase 1A, which will include the creation of construction documents and the first stage of park improvements, including gave presumptive approval for an additional \$750,000.00 for what has been designated as Phase 1B. \$3,750.00 in funding to the Law Department was included in the approved funding request for Phase 1A. Approximately \$140,000.00 in CDBG funds will be applied to this initial phase. The project was approved by the Parks and Recreation Commission.

Phase I improvements for Stearns Park include:

- Clustering all play equipment into one area, install more accessible play pieces and “adventure” section for older children
- Install rubberized safety surface beneath play equipment
- Remove metal shade shelter and replace with new, more attractive structure
- Installation of metal fencing with mowing strip in front of play area, landscaping, tree planting/pruning
- Installation of new half-basketball court and removal of existing athletic lighting
- Reconstruction of tennis courts, including installation of new fence
- Connect park through new accessible pathways in play area
- Create a new accessible pathway linking new senior housing to park (alternate item for Phase I)
- Installation of two new accessible bubblers – one in play area, one by tennis courts
- Furnishing park with other site equipment (benches, decorative trash receptacles)

Phase I improvements for Pellegrini Park include:

- Formalizing parking lot to include 16 standard parking spaces and 2 handicapped accessible spaces
- Installation of decorative metal fencing with mowing strip in front of parking lot, park identification signage, and extensive landscaping and trees
- Creation of accessible pedestrian-only entrance from Hawthorn Street to the Activity Building, including seating, bike racks, with opportunity for community garden/planting area
- Lighting of section of pedestrian paths from the street to the building with security lighting
- Reorganization of courtyard area to include a half-basketball court, play area, water play and swings, picnic tables, shade pavilion, and multi-purpose open space
- Installation of rubberized safety resurfacing beneath play equipment
- Construction of seat wall in rear of courtyard to facilitate special events and concerts
- Increasing handicapped accessibility in courtyard through selective use of durable surface with fully accessible route from the street to the Activity Building in the courtyard
- Fencing of courtyard and play area with new black vinyl-coated chain link fencing with adjacent mowing strip
- Furnishing park with other site equipment such as benches, bubbler and decorative trash receptacles

Ald. Lennon described how the area neighborhoods surrounding the park understood the phased nature of this project and that all phases were dependent on future budgetary approval. He distributed a project timeline to the Committee (attached). Danielle Bailey reported on the survey conducted of area residents to ascertain what they desired and how the project comported with the results of the survey.

Danielle Bailey indicated that there would be four paving phases and 3 public bids for services (preparation of construction documents for both parks, actual construction and play equipment installation). She indicated that the CDBG funds will expire at the end of June of this year. If there is activity going on before the end of FY06, then the funds can be spread out beyond July 1. She did not think that CDBG funds would be available for the other phases in the future.

Mr. Cahill indicated that as part of the initial work at Stearns Park, the half-basketball court can be built, as well as the redesign of the current entrance way and possibly installation of benches (some of this depends on current funding in the Parks and Recreation Department). He also stated that the new shelter would be erected with assistance from the Public Buildings Department. In response to a concern noted by Ald. Parker and others, this phase would not affect the area that accommodates the annual fair at Pellegrini Park.

Ald. Hess-Mahan questioned whether there would be future funds available for the other phases of this project. Mr. Stern indicated that the CPC had reviewed the aspects of Phase II and is in support of future appropriation for that phase in the future. (This was discussed as part of the CPC's planning for FY07 projects). He added also hoped that this project will be supplemented with funding through the Parks and Recreation Commission.

Ald. Hess-Mahan asked how long it would take to complete all 4 proposed phases of this project. Mr. Cahill informed the Committee that it is expected that the project would be completed at some point during FY09.

Ald. Parker asked for clarification as to how much finding has been committed to this project. Mr. Stern explained that the current commitment is for \$750,000 (plus the additional \$3,700 legal expenses). Additionally, he indicated that the CPC has already made its recommendations for FY07 (as part of the FY07 Community Preservation Plan). Recommended projects on that list include the burial grounds and Flowed Meadow.

Ald. Vance pointed out that, while this is a very costly project, it would directly benefit citizens in a portion of the city most in need of additional park services and that the local stake in these projects was important. He moved approval of the item. Ald. Hess-Mahan stated that he agreed with the comments offered by Ald. Vance.

Ald. Parker indicated that he supports this project, and in the future, if given the choice between appropriating more funds to the burying grounds project, he would choose this type project as a priority, particularly if earlier funding means getting the job done faster with a great public use benefit.

Ald. Lennon thanked Ald. Parker and other members of the Committee for their support of this project. He stated that the project was formulated with the intent to offer wide public benefit. Ald. Weisbuch stated his agreement with the comments made by Ald. Lennon.

Ald. Hess-Mahan questioned whether this project could have been included under a bond authorization or if there was a legal reason why it could not be done as such. Mr. Stern stated that the CPC did not enter into discussion for bond issue at all on this project.

Ald. Sangiolo asked what would happen to the phased funding of this project if the pending item regarding rescission of the CPA is put on the ballot and is approved by the registered voters of Newton. Mr. Stern indicated that those who have worked on this project, including the neighbors, are aware of the pending item to rescind the CPA.

Committee Chair Linsky indicated his support for the general program being proposed but indicated his concern regarding the overall cost. He indicated he wanted to further review all the financials before voting to support the project.

On Ald. Vance's motion to approve, the Committee voted 7-0-1 in favor, with Ald. Linsky abstaining, to approve this request for funding of the Phase I improvements.

**REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE**  
#97-06      **COMMUNITY PRESERVATION COMMITTEE** recommending that the sum of \$43,600 be appropriated from the Community Preservation Fund for purposes of funding the historic restoration of clapboards on the 248 *Elliot Street* community housing and historic preservation project.

**ACTION:**      **APPROVED 4-0-4 (Linsky, Parker, Vance and Lappin abstaining)**

**NOTE:**      The Committee was joined by CPC member Charlie McMillan as well as Deb Crossley Josephine McNeil representing the petitioner CAN-DO. The history of this project is that the original request for CPA funding was approved two years ago for the creation of three (3) units of community housing (2 @ 80%, 1 @100%) and the historic preservation of architecturally significant features on this property. The total amount of that appropriation was \$575,000 (Board Order #365-04, approved on 11/15/04). This item seeks funding to restore the clapboard (which dates back possibly to 1840) as well as make other largely structural improvements to the property not originally foreseen, including doors, ceilings, and foundation at a funding request of \$43,600.00 broken-out

as follows: \$29,473.00 for exterior siding, \$1,699.00 for porch ceilings, \$2,300.00 for exterior doors, and \$10,128.00 for fieldstone foundations.

Deb Crossley informed the Committee that this building was erected sometime in the 1840s. The addition was finished in 1878. Upon the commencement of renovation, it was discovered that underneath the shingles that are believed to have been installed around the turn of the 20<sup>th</sup> century, there were clapboards that appear to date from the original construction of the building. Historical preservation protocol dictated that original features are to be preserved even where, as here, there was admittedly some historical significance to the features that followed from the original features (e.g. the shingled siding). Mr. McMillan concurred. As did Ald. Hess-Mahan who represented that, during the era of construction of this building, shingles would be considered to be the equivalent to aluminum siding of today. He indicated his concern that, if shingles were to be used instead, it would take away from the authenticity of the appearance and that this would be a travesty.

Ald. Parker asked what would happen to the overall project if these additional funds are not approved. Ms. Crossley responded that the project would then need to be considered complete as is, without having the clapboards restored. The preferred method would be to restore the clapboards so that they will be properly taken care of, which is why this supplemental request was made. Ald. Parker also wondered whether there were any energy efficiency differences between clapboard and shingle to which Ms. Crossley indicated there were no fundamental differences.

Ald. Sangiolo asked when the property was listed on the National Register of Historic Places. Mr. McMillan indicated he was not sure of the exact time that had occurred.

Ald. Yates wondered whether the historical significance of the clapboards comported with any other surrounding properties, including the St. Elizabeth's Center. Mr. McMillan indicated he was not sure.

Ald. Weisbuch asked what steps would be needed to restore the clapboards. Ms. Crossley explained that the project entails filling the holes and taking care of the peeling paint.

Ald. Sangiolo asked whether, as part of the original project, installation of shingles (in place of clapboards) had been considered. She thought that this would be a less expensive alternative to the clapboard restoration. Mr. McMillan stated that, if shingles were to be substituted, the cost difference would be a mere 8% (savings).

Ald. Lappin stated that, while she understood the desire for historical accuracy, she also thought it important to be prudent and fiscally responsible when approving these projects. She cited issues with the Angino Farm project as an example of how these projects could be changed in a way that will require additional funding. Ald. Linsky concurred.

Ms. Crossley pointed out that, if this property were not located in an historic district, then the overall cost of this project may not have been as high and they may not be as inclined to pursue these additional funds for restoration of the clapboard.

Mr. McMillan reported that the CPC voted unanimously to commit to the historic preservation, so this project would be different than other projects on properties without historic preservations attached to them.

Ald. Vance offered his concern that a relatively small housing project resulted in a major historical renovation and would defer to others as to whether the additional discovery of the historical clapboard element was in keeping with the rest of the area. Deb Crossley replied that rather than seeing this project as jacking up the cost of affordable housing, it could be viewed as an opportunity to do historical preservation that would not have otherwise been so preserved. She would have offered to have covered these additional costs through the project contingency but that the developer has already lost approximately \$150,000 due to the lag in the project. In response to an inquiry by Ald. Hess-Mahan as to present cost of the project, Ms. McNeil indicated the project was now larger than originally budgeted but that they would go along with whatever the committee decided.

Ald. Yates indicated it would be preferable to obtain the Sec. of the Interior's standards regarding preferential preservation but despite this and his objections as to the density of the project, he otherwise moved approval.

Ald. Lennon inquired as to whether any grants were received to which Ms. McNeil indicated that the grant proposal did not succeed. Ald. Lennon indicated his support for the item and compared this project to the Newton Corner branch library where the committee decided not to do a project incompletely. In reference to Ald. Lappin's concerns, he felt that if Angino Farm needed more monies it should come back and make a case for further monies.

Despite their reservations as to whether the funds should be expended as requested in light of the limited pool of available monies, Ald. Parker and Ald. Linsky indicated that the proponent's efforts were quite admirable inasmuch as they were not required to make the effort they had made.

On Ald. Yates' motion to approve, the Committee voted to approve, 4 in favor (Yates, Lennon, Sangiolo, and Hess-Mahan), none opposed, and four abstaining (Linsky, Parker, Lappin, and Vance).

**REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE**  
#98-06      **COMMUNITY PRESERVATION COMMITTEE** recommending that the sum of \$208,250 be appropriated from the Community Preservation Fund for purposes of funding the continuation of the *Newton Homebuyer Assistance Program* to provide assistance to low/moderate income home purchasers.

**ACTION:**      **APPROVED 8-0**

**NOTE:**      The Committee was joined by CPC member Judy Jacobson, along with Mike Duff from the Community Development office and Julia Hartz McInnerny. By way of history, the Board originally approved \$500,000.00 of funding in 2004 as a pilot project to support the acquisition of five affordable housing units by qualified applicants. Ms. Jacobson represented that the CPC approved a request in the amount of \$208,250.00 for this budget year with a subsequent request for \$312,000.00 for additional funding in the next fiscal year to extend the program. The proposal includes \$7,500.00 to cover administrative costs and \$1,500.00 to the Law Department to cover legal costs.

Ms. Jacobson, Ms. McInnerny, and Mike Duff described for the Committee the people who were serviced by the program over the previous two years of the pilot project. All fund recipients were at or below 80% of AMI and it is intended that the program will continue to fund recipients at this income level which will count in respect to the 40B requirement. Four out of five recipients had Newton connections. None of the recipients were city employees although one teacher won a lottery for an affordable unit but chose not to participate. There has not been a huge volume of applicants. The program is assisting some 2-3 families a year. The last two years included assistance to a young disabled man with \$11,000.00 in yearly income and a s. 8 ownership voucher purchase a condo as well as two families of four with incomes of \$23,000.00 and \$63,000.00 who also purchased condominiums under the program. A \$56,000.00 balance remains on the books.

The Committee then discussed the mechanics of how the program worked, noting that the program is designed to create little equity in the owner. Ald. Parker noted that what was conveyed to participants under the program was not really ownership but some form of hybrid ownership. He also wanted to know whether any of the units purchased through this program were also subsidized in any other way. Mike Duff responded that a unit recouped money from first subsidy (CDBG) after a sale. Judy Jacobson noted a double subsidized unit could not count twice under s. 40B.

Ald. Lappin indicates she was thrilled the program was a success and that counseling was required under the program. Ms. McInnery described the various components of support from the administrative staff and from lenders under the soft second program. Mike Duff added that technical support, including inspections, was also offered.

Ald. Lennon inquired as to whether a Newton connection was required to which Ms. McInnery and Mr. Duff indicated the program was split 80/20 between those with a Newton connection and those who were first time homebuyers.

In response to Ald. Lappin's inquiry as to how people found out about the program Ms. McInnery described the advertising process used, including local papers, internet, and other notices together generated a lot of inquiries. Ultimately, three out of the five recipients discovered the program through the advertising efforts and two out of the five recipients were lottery selections. Through the chair, the Committee expressed general concern about the lack of city employees.

On a motion by Ald. Lappin to approve, the Committee voted 8-0 in favor.

All other items were held.

On a motion by Ald. Hess-Mahan, the Committee adjourned at 10:44 PM.

Respectfully Submitted,

Stephen M. Linsky, Chairman