

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, MARCH 28, 2006

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

Also present: Ald. Weisbuch, Burg, Danberg and Baker

City staff present: Eileen McGettigan (Assistant City Solicitor), Charles McMillan (Community Preservation Committee), Claudia Wu (Community Preservation Committee), Judy Jacobson (Community Preservation Committee), Rob Ricchi (Planning Department)

Appointment by His Honor the Mayor

#145-06 ROHNA SHOUL, 9 Exmoor Road, Newton Centre, appointed as member of the NEWTON FARM COMMISSION to fill the unexpired term of the late Teresa Walsh, for a term to expire on July 30, 2006 (60 days 5-19-06).

ACTION: **HELD 7-0 (Lennon not voting)**

NOTE: Although Ms. Shoul had been invited to attend this evening's meeting in order to discuss her appointment to the Newton Farm Commission, at the last minute, she was not able to be present this evening. Therefore, the Committee voted 7-0, with Ald. Lennon not voting, to hold this item until the April meeting for discussion.

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: **APPROVED 6-0-1 (Parker abstaining; Lappin not voting)**

NOTE: Charlie McMillan from the CPC and Eileen McGettigan from the Law Department joined the Committee for a discussion of this item. At the previous committee meeting, docket # 161-05(2) was taken up and approved. That item applied to the reuse portion of the ordinance, namely, what restrictions would be placed on subsequent holders of a property once it passed from city's ownership. This original docket item applies to projects during the course of ownership by the City. It was initially drafted in response to concerns raised when CPA funds were used to restore portions of the Newton Corner library. At that time, no mechanism existed to ensure preservation into the future. In that instance, a memorandum of understanding was employed to memorialize such restrictions. Many felt a better mechanism would be an ordinance provision. The present draft ordinance represents the culmination of numerous prior drafts that

had been reviewed by the Law Department and the public building preservation committee, among others. A few questions remained from the Committee's previous deliberations on the item.

Ald. Parker asked Atty. McGettigan about what portions of the building would be restricted into the future by this draft ordinance.

Attorney McGettigan indicated, by way of background, that this draft was the eighth such draft of the ordinance and was meant to be complimentary to the one that was discussed by the Board last month. It does not create a restriction on the City properties. What it does is it says that if the City receives money for historic preservation of certain City areas that deemed to have historical value than it has to go through a procedure must like any homeowner who lives in a historic district. It has to go to the Newton Historical Commission. The owner has to show its proposed renovations to the Commission and the Commission has to grant either a certificate of appropriateness, certificate of hardship, or a certificate of non-applicability. In essence, it creates little mini historic districts that encompass only historical City buildings.

Ald. Hess-Mahan mentioned that he had spoken with the farmer at Angino Farm and had come back with a proposal to do some deleading on the inside with CPA funds. It is not even cosmetic. It is fixing a condition with the building. He was wondering if it is broad enough to encompass something like that where they would have to come back in front of the Historic Commission.

Attorney McGettigan indicated she did not believe so. The restoration has to involve something that is going to alter the building and de-leading is not going to really alter the building under this definition. It has to be to a part of the building that is historic and it also has to satisfy the definition of alterations.

Ald. Parker then asked whether the restoration has to be to a part of the building that community preservation funds are expended on. (e.g. using City Hall as an example, the whole building may be historic and yet we only spend CPA funds in three places: lights, windows and back stairs) what would happen if there is another part of the building that someone wants to change in some way because we spent some CPA funds on some portions of the building, Atty. McGettigan opined that whenever an alteration is proposed to a part of City Hall or any other City building that is deemed to be historic this ordinance applies. Consequently,

In response to Ald. Sangiolo's inquiry as to application to primary spaces and the extension of the ordinance to cover issues such as paint color, Ald. Yates responded that would include City Hall meeting rooms.

In response to Ald. Parker's inquiry as to whether the draft ordinance would apply if other public funds, such as the CIP were used, Ald. Yates offered that the mayor said he did not want broad reference to it he only wanted it on stuff that was relevant to what would be funded by CPA.

On a motion to approve offered by Ald. Hess-Mahan, the Committee voted 6 in favor, 0 opposed and 1 abstention (Parker)

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: **NO ACTION NECESSARY 7-0 (Lappin not voting)**

NOTE: President Baker joined the Committee for discussion of this item. He explained that the Committee had previously discussed this item and held it for further information. Ald. Baker asked for clarification on whether the Community Preservation Act funds could be used to acquire land if the city ever needed it through eminent domain rather than by just voluntary transaction. President Baker is satisfied by conversations with the Law Department that it is the case. Therefore, he feels no action necessary is an appropriate motion for this item.

On a motion offered by Ald. Yates to move no action necessary, the Committee voted to approve the motion: 7 in favor, none opposed.

REFERRED TO FINANCE AND CMTE. ON COMMUNITY PRESERVATION

#285-05 ALD. YATES requesting that recipients of Community Preservation Act funds for historic preservation projects keep the interiors of the buildings to be preserved protected against the weather when work is not being done on the building.

ACTION: **NO ACTION NECESSARY 7-0 (Lappin abstaining)**

NOTE: Rob Ricchi joined the Committee for discussion of this item. He reported that he had spoken with Andrew Stern and Charles McMillan and it was agreed that for any CPA project where this concern comes up the CPA will put this as a condition in the CPA recommendation. Ald. Yates explained that what brought this up was that two projects he was aware of had holes in the ceiling and open windows and it was raining and snowing. Ald. Yates indicated he was satisfied that no further action was necessary based on the representations from the Community Preservation staff and the Community Preservation Committee. In response to Ald. Sangiolo's inquiry as to whether weather protection was going to become a standard condition, Mr. Ricchi responded that yes for those projects that required protection.

On a motion offered by Ald. Yates to move no action necessary, the Committee voted to approve: 7 in favor none opposed.

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

#467-05 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$23,633 be appropriated from the Community Preservation Fund for purposes of funding the design and study of the *Williams School Outdoor Intergenerational Community Classroom*.

ACTION: **APPROVED 8-0**

NOTE: Claudia Wu, member of the Community Preservation Committee, and Deborah Gelch from Lasell College joined the Committee for the discussion of this item, along with Architect Ed Chang. Ms. Wu explained that the Community Preservation Committee's recommended funding is \$23, 633 for an intergenerational community classroom on the grounds of the Williams School playground, which is currently an under utilized area. The idea is that this would be active as well as passive recreation and it would allow for Williams' students to interact with the larger community and also the seniors at nearby Lasell Village and seniors in the community. It would serve a number of different purposes. The CPC voted unanimously in support of the proposal.

Ald. Vance noticed that the funds that are cited under Goal 3 are just for a study. He asked if all of the other projects that are cited as comparative project costs were also studies. Ms. Wu responded that some of the projects are actually the full cost of the project. Ald. Vance pointed out that they are not fairly comparable with the cost of a study of the Williams Project. Mr. Ricchi explained that they are comparable in the sense that they are also recreation projects even though they were not all studies. Ald. Vance stated that presumably the request for the study is looking towards additional funds for the actual work on the classroom, which is what would be comparable with some of these completed projects. Ald. Vance believes that in presenting something that purports to compare the costs of one project with another that we do not use costs for studies as compared with costs of completed projects because it is clearly not comparable or useful.

Ald. Hess-Mahan asked for clarification on what the total cost of the entire project is, where the funds would be coming from and he would also like a breakdown on what the construction costs are likely to be. He is aware that in doing a study part of the study is figuring out what the costs are going to be and then putting it out to bid. Ms. Wu and Ms. Gelch explained that it the project was anticipated to be over \$100,000 and funds would be raised aggressively in the community to support this project in the approximate amount of \$125,000.00.

Ald. Parker noted that in the past the Committee had previously had a full project budget, citing Brigham House as an example. Ald. Lennon was not sure that this was necessarily accurate.

On a motion offered by Ald. Parker to approve, the Committee voted to approve: 8 in favor, none opposed.

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

#140-06 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$351,025 be appropriated from the Community Preservation Fund for the purpose of funding the *11-13 Cambria Road* community housing project in West Newton.

ACTION: **APPROVED 8-0**

NOTE: Judy Jacobson from the Community Preservation Committee (CPC) and Josephine McNeil from the applicant, CAN-DO, joined the Committee for this item. Ms. Jacobson explained that the CPC is recommending \$351,025 to continue to support CAN-DO's efforts to purchase existing properties. The property under discussion is a two-family house to be used as rental housing for income-qualified families. This is a strategy that CAN-DO has been applying for a few years now and the Community Preservation has supported similar types of projects. CAN-DO got a reasonably good buy on this property, a little bit below the appraisal and lower than comparable properties. CAN-DO hopes to attract Section 8, so that they can serve very low income people below 50% of the median. The CPC provided that if they could not find certificate holders they could rent up to 80% of the area median income under any circumstances.

Ms. Jacobson presented pictures of the property for the Committee to review.

Mr. Duff of the Housing Office did a thorough inspection of the property and reported that it was in good shape. It will require some deleading and some other work done. Mr. Duff felt quite comfortable with the scope of work that has been proposed by the project architect. The Community Preservation Committee thinks that this project is a good use of Community Preservation Funds and they voted for the project unanimously.

Ald. Parker asked if the City was going to get the standard in perpetuity language for affordable housing. Ms. Jacobson explained that in order to get the in perpetuity we have to get the State DHCD approval of our use restriction but she does not believe that will be any problem. Ms. McNeil added that the affordability provision is included

Ald. Lennon asked for a price per unit in comparison to other units that we have purchased. Ms. Jacobson explained that it is a little on the high end from what we have seen in the past. Ald. Parker commented that this exactly the type of project he likes to see. He thinks that \$175,000 per unit when you are getting them forever is a good value.

Ald. Hess-Mahan pointed out that this project is in his ward and across the street from another CAN-DO project that has been very successful. He thinks that this is a great project, a sentiment that was shared by Ald. Burg. Committee Chair Linsky added he was pleased to learn that the project derived from a neighbor attending the open house of another CPA funded project on Cambria Road and that as a result of generating the good will of the neighborhood a property became available at a reasonable price and that we needed more of these types of situations.

On a motion offered by Ald. Hess-Mahan to approve, the Committee voted to approve: eight in favor and none opposed.

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

#144-06 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$78,500 be appropriated from the Community Preservation Fund for the purpose of funding the *Durant Kenrick Homestead Needs Assessment* historic preservation project in Newton Corner.

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

NOTE: Claudia Wu of the Community Preservation Committee and Peter Diamond, President of the Newton Historical Society, presented the item to the Committee. A number of Newton Historical Society members were also present to show their support of the item. Ms. Wu explained that the request was for a needs assessment and development of the capital improvement plan for the Durant Kenrick Homestead. The property is really extraordinary and is listed on the National Register, which in and of itself is a fairly unusual thing. It is also a local landmark and it sits on a beautiful corner lot at Waverly and Kenrick Road. It has been cared for by the Durant Homestead Foundation who has offered up the property for the use and care of the public.

By way of background, the homestead was built in 1732. Many events of significance to the City of Newton have occurred on the property. The Foundation had come to a crossroads where they find that their resources are dwindling and it is really difficult to maintain this property in the way that they would like to maintain it. Also, there are a number of very significant furnishings inside that need to be cared for. The Historical Society has worried a long time about how to preserve this property and perhaps transfer it either to the City or to the society. Before any of this can happen there needs to be a good assessment of the building, including: easements relating to the property, appraisals, public accessibility, and capital needs. The Society came to the Community Preservation to ask for help with a needs assessment in order to get to the point where the society can figure out whether the building can become a public resource. The CPC's understanding is that if the property were to come to the City or the Historical Society that the foundation would make a donation, which would be the equivalent of the value of \$3,000,000. It would include the land, the building and the furnishings. Ms. Wu represented that the Community Preservation Committee felt this was a once in a lifetime opportunity and what people had in mind when the CPA was passed.

Mr. Diamond added that the Historical Society was not aware of the opportunity until President Baker brought the situation to his attention. The Historical Society visited the house and realized that this is a unique opportunity. Since that time, many people have worked very hard to make this happen. What the Society is looking for is the money to bring this forward to understand what the Society is getting into. The Historical Society is presently moving ahead with the project in anticipation of a favorable outcome, including having architects come and look at the property in anticipation of bidding on the work to really assess what needs to be done. The Historical Society is anxious to move forward and capture this resource for the City. Ms. Wu commented that the study is a higher cost than other studies that have been but it encompasses more work than the other studies.

Ald. Lennon voiced his support for the proposal. However, he wondered what the Community Preservation Committee's position was on private funding for the study because he is aware that other projects have been asked to raise private funds for the study. He understood that this was to be the policy for studies, and even with the potential transfer to the City but thinks in order of consistency the policy should be clarified.

Mr. Diamond noted the Historical Society has received two donations from members of the community. In terms of in kind contributions, there is a team of five architects that are on the society's board that have contributed many thousands of dollars of their time as an in kind contribution, as well as the many hours others in the society has been spending on this. Mr. Diamond thinks in terms of dollar value we are looking at a lot of donated time and we are looking at an endowment that is going to come to the City. This is going to generate at least a \$300,000 endowment from the foundation, as well a lot, a house and incredible collections. In terms of making a contribution there is a lot on the table. He thinks the Society is bringing far more to the table than most groups.

Ald. Danberg pointed out that the Foundation has made an extraordinary effort at offering their resources, such as their time, expertise and energy to make sure that people had an understanding of the importance of this house and its historic value. The family feels that it is so important that this house goes to the public, as it is such a valuable historic resource.

Ald. Parker commended all parties involved in this collaborative effort for their excellent work on this project thus far. He indicated he has followed this project for several months, and is in support of the appropriation from CPA funds at this time. For the record, he stated that he would like to see this building gifted to the City and have the City Museum remain the chief custodian of the property (as it was his understanding that there had been ongoing discussion regarding ultimate ownership of the property, i.e. whether it should belong to the Historical Society). He stated that he believes this treasure should be a publicly owned property and it would definitely be an asset to the City.

Ald. Hess-Mahan explained that he had also taken a tour of this house, and it has such a rich history and the structure itself is unique. He stated that he agreed with comments made by Ald. Danberg and he indicated his support for the City to have such an historic gem as one of its assets for enjoyment by the general public.

President Baker stated that he has been involved in this project and supports moving forward at this time with the appropriation from CPA funds. He stated his agreement with the comments made by Ald. Danberg, Parker and Hess-Mahan and he also indicated that, while a final determination has not yet been made as to which entity will be the vehicle of operation, he was certain that Ald. Parker's concerns would be addressed.

Ald. Vance indicated that it is anticipated that this needs assessment will show that it will be necessary to fund approximately \$800,000 to \$1 million in improvements in order to realize the

tremendous value of this asset. He stated that it is important to recognize that this study is by no means the last appropriation that would be needed for upkeep of this property, but he agreed that this would be a tremendous asset. He also stated that fundraising will be necessary in the future for the organization that will be charged with the maintenance of this property. Maintenance is always a concern with Community Preservation projects, so he indicated that this awareness is key in terms of this project, as future funding for maintenance through the CPA will not be possible. Therefore, it will be important to make sure that a funding mechanism is in place for future maintenance (or at least there is a plan for one). He indicated that he would hope that persons with interest in historic projects would be willing to see the value in the investment of funds for ongoing maintenance for this property.

Ald. Hess-Mahan pointed out that, according to the current ordinance, it would be possible to devote future CPA funds to the preservation of properties such as this, but that there would also be a need for additional funding for ongoing maintenance.

Committee Chair Linsky noted that Ald. Vance was correct in stating that it is important to realize that there is a need to consider future commitment of significant funds for this property. He indicated that he would abstain from voting on this item this evening until such time as the Historical Society and/or the CPC has the opportunity to look into exactly what resources the City has access to that would help to defray the overall cost of this project, because it is important to realize that this will be a long-term funding project, and it is necessary to approach is properly from this beginning stage. He also mentioned that it may be possible to gain CPA funds under another heading in the future (i.e. open space preservation for the remaining area on the property). He questioned whether the CPC had looked at this possibility.

Mr. Diamond indicated that, because this is still in the study phase of the process, these questions have not yet been addressed, but it is intended that they will be in the future. He also explained that the Historical Society is a very active group that does many fundraising events, and that it does, in fact, provide funding for many of the programs/exhibits at the History Museum. He indicated that, while it would not want to detract from programs currently in place for funding, the Society would have the resources to explore future fundraising for purposes such as this project. He also explained that the Society has paid staff that work at the History Museum who help to coordinate fundraising and programs/exhibits. He stated that the Society is in full support of this project, and it looks at the issue as its "civic responsibility" to make it happen.

Ald. Parker stated that, because of the success of the Jackson Homestead, he would like to see this property operated in similar fashion to that of the History Museum (with City ownership but having programs/exhibits funded and/or run by the Historical Society). In terms of the fundraising need for the future, in order to preserve the open space on this property, it would be necessary to perform fundraising to a sizeable endowment to keep this property functional and preserved. If this is not done, then, unfortunately, it might be necessary to look at a portion of the current open space to be sold as (potentially) one buildable lot in order to add funding to the

endowment for the upkeep of the structure. Of course, this fact would serve as an incentive during the fundraising process in order to preserve all of the open space.

President Baker pointed out that part of the reason that this project is moving forward in this manner is that the property tax value on this land has recently tripled. He stated that it is important to understand that the Historical Society is looking for the resources to perform an analysis of the entire property (the house and the grounds surrounding it) so that they can put together the best possible package to preserve this valuable resource for enjoyment by future generations of Newton residents.

Constance Kantar, a resident of Kenrick Street, and an abutter to the abutters of this property, was present this evening. She explained that the lot on which her home is situated was actually part of the original Durant Kenrick property, and she and her family purchased their home from members of that family in 1966. She stated that she had come to know the family very well, and she was well aware of the family's love of not only their home, but of the property on which it is situated. She spoke of their desire to preserve the open space on this property in question. She indicated her support for the actions of the Historical Society to attempt to preserve this house and the property around it.

Paul Eldrenkamp, a resident of Spiers Road and a member of the Historical Society board, pointed out that the Historical Society had been given 18 months to come up with a plan to move forward on this property restoration/preservation, which would be why all details for fundraising, etc. have not yet been fully established. He stated that it is their intention to move forward with that in the near future, but that this request is the first step.

Committee Chair Linsky indicated his intention to abstain not because he didn't favor the proposal – he does- but that he wished to have more information regarding the in-house capacity to perform some of this work as a potential cost savings for this project, as well as better assess the open space preservation potential of the project.

On a motion offered by Ald. Vance to approve, the Committee voted to approve: 7-0-1, with Ald. Linsky abstaining.

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

#141-06 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$1,207,825 be appropriated from the Community Preservation Fund for the purpose of funding the *Covenant Residences* community housing project in Chestnut Hill.

ACTION: APPROVED 6-0-2 (Linsky, Parker abstaining)

NOTE: The Committee was joined by Judy Jacobsen (CPC), Susan Gidelman (Executive Director, B’Nai Brith Housing of New England), Marvin Siflinger (President, B’Nai Brith), and Alan Schlesinger (Counsel).

Judy Jacobson presented that the Community Preservation Committee voted in support of the appropriation of the amount of \$1,207,825 for the development of this community housing project. The project would be located on Commonwealth Avenue at the end of the train yard in Chestnut Hill. She explained that there is currently a small 12-unit apartment building with a new 44- unit building added to that. She reviewed the proposed backup information and pointed out that this is a very unused area that would be transit-friendly and would provide more housing (14 affordable first-time homebuyer units) and new market units in a modest price range.

The overall cost of the development is approximately \$20 million (the purchase price for the land was approximately \$4.5 million (as appraised). Ms. Jacobsen explained that the construction costs appear to be well in-line with current costs. B’Nai Brith, the non-profit developer, has offered that up to \$300,000 would be returned to the CPA if it is available after the construction is completed because the organization is a non-profit. Ms. Jacobsen went on to clarify that, particularly with larger projects, when the CPC reviews applications, it requests that the applicants, if the projects end up coming in under budget, would return some funds to the CPC. With the rising costs of construction, it is not typical for projects to finish under budget. In this case, the CPC realized that, with a \$20 million overall budget, if the project comes in under the 15% overhead cost amount, the savings would be significant. Since this is a non-profit organization, the CPC was pleased to know that funds will be returned if the savings becomes a reality.

Ms. Jacobsen explained that these proposed units are more modest than typical new construction units, and because this is a non-profit organization, the units will be sold at the going market rate (not well above it).

Ald. Parker indicated his concerned that while the proposed prices look good on paper, the finished product may be valued at a higher rate. He had heard discussion of a possible restriction for the rental of these units to undergraduate college students. He asked that, if such a restriction would be put into place, the petitioner provide a copy of the language relative to it.

Attorney Schlesinger responded that the petitioner is working on a solution to this concern that will be “enthusiastically supported by the neighborhood”. He stated that, while the final language for that piece of this process is not ready, the petitioner will be respectful of the concerns raised in regard to the use of these units by college (undergraduate) students.

Ald. Parker indicated that, while it is unlikely that the home ownership units will become ancillary units to Boston College, there are many tools that can be used to prevent this from happening. If people are truly concerned about this potential issue, the agreement should be written to accomplish that in the least restrictive way possible (keeping in mind that owners of the units should not be prevented from pursuing degree programs themselves, but that the use should not be for Boston College housing).

President Baker noted that the original proposal was thought to be too large by the 2004-2005 Board and did not have community support. He then credited the petitioner and the developer for

working with the community to come up with this much more acceptable and workable affordable community housing project. He went on to state that it is certainly important to look at the potential student issues while working within the confines of what was established by the Accessory Apartment ordinance. He also indicated that it was his understanding that there is concurrence on the part of the developer that these units should be made available for people who want to be able to afford to live in Newton year-round and long-term. He also indicated that there are housing goals on the part of B'Nai Brith that meet the community housing practices of the CPC with regard to such projects.

Ald. Lappin stated that it had been brought to her attention that there may be action taken to convert office space within the building to an additional (15th) affordable housing unit.

Attorney Schlesinger indicated that there is existing office space in the original building that could potentially be converted to be utilized for that purpose, but that determination had not yet been made; it would depend on the overall cost.

Ald. Lappin indicated her support of converting that space for an additional affordable housing unit. She then asked for clarification on the revenue sharing piece of the proposal.

Attorney Schlesinger explained that the recommendation of the CPC was that, in the event that the bottom line cost of the overall project is significantly below the proposed budget, a refund to the CPC would be made for a portion of the excess funds; and that this is incorporated in the CPC memo of recommendation.

Ald. Burg indicated her support of this proposal. She explained that she had attended some of the initial neighborhood meetings at the beginning of this process, and she stated that she was pleased with this final proposal.

Ald. Vance spoke regarding the use of CPA funds for a substantial part of the subsidy for this project. He stated that any affordable housing project can only be done with some form of subsidy and one of the most common forms of subsidy is the density bonus that is allowed under MGL Chapter 40B (which was originally the subsidy proposed for this project as it was in its original form back in 2005). Members of the 2005 Board of Aldermen and community members were very concerned about this project in its original form and had signed a letter in opposition to the proposed project on the grounds of its high density, and the risk of adverse impacts (due to its size) on traffic and parking. This proposal was now being presented in place of the original idea, with subsidy of \$1.2 million from the CPA fund and \$500,000 being requested from the Housing Trust Fund is necessary. He added that this is a more appropriate approach for subsidy because, by using CPA funds, the cost of the subsidy is not born exclusively by those in the immediate neighborhood; it spreads the burden out for what will eventually be a city-wide housing benefit. Therefore, it is appropriate that the cost for this subsidy be spread out by using taxes collected for CPA purposes. He stated that this is a sound and fair proposal that illustrates the true intent of the CPA itself. He urged the Committee and the Board to approve this request.

Ald. Parker indicated his concern that approval of this petition may set a dangerous precedent. He explained that during his tenure on the Board, he has seen many 40B projects come in for approval. The context of discussion with such petitions is usually concern over the size of the development and there is almost always a request to reduce that size. Those projects that have already been approved were done so without any funding from the City (i.e. CPA funds). His concern was that, in the future developers may come up with significantly oversized projects for which there will be meetings with City officials (Aldermen in particular) and residents whereby the proposal could be reduced with the understanding that the use of CPA funds would be appropriate for subsidy. He predicted that, if this project is approved, the City will not see another application for a “free 40B” development in the future. While it is not a given that this will happen, the City would be ill-prepared to not at least consider that this type of thing could very well happen (if this current proposal is approved as presented). Because he understood the validity of argument on both sides of this issue, he would abstain from voting on this item.

Ald. Parker also indicated his concern regarding “phony homeownership” of the 14 affordable housing units (whereby they are sold for a lower price, but that the owners get appropriate exemptions on taxes and interest, but do not realize full benefits where equity is concerned). He stated that he has believed for a long time now that the City is in need of more rental units. He also indicated his concern for those who may rent units from owners having limited opportunity to enroll in higher education classes, yet he still understood the concerns of the neighborhood that this site should not become one of ancillary housing for Boston College. Ald. Parker also thanked the petitioner for working with elected officials and neighbors to make this project more acceptable than it was in its original form.

Ald. Hess-Mahan urged the Committee to vote in favor of this project. He stated that he was in support of this item particularly because this developer is not for profit and is attempting to fulfill its mission to provide affordable housing units. He stated that he did not see approval of this project as sending a message to all developers to come to Newton with an over-sized project in an attempt to get CPA funding for subsidy. He stated that this is a fabulous organization and he was thrilled that the organization and the neighbors were able to come up with this project that is acceptable to all parties affected. He also indicated that it is important to keep in mind that the profit-sharing proposal is an innovative way to provide incentive for the developer to save funding on the project with the ultimate proposed funding being returned to the CPA if that all comes to fruition. He went on to point out that it is great that this project provides modest sized units, as the population seeking such units is under-served in Newton. He stated that this was most likely one of the reasons why the project was approved by the CPC, and he urged that this Committee and the Board support it. He stated that this was a carefully thought out, well-developed plan that is superior (in his view) to the initial plan because it now fits in with the character of the neighborhood and provides additional homeownership opportunity.

Ald. Hess-Mahan then addressed the issue of “phony homeownership”. He indicated his support for the system of affordable housing unit ownership, as it helps people to buy into a piece of the American dream of homeownership that they otherwise may not have been able to get. The fact

that these units are kept as affordable units in perpetuity means that this opportunity can be offered to someone else when the initial occupants sell them for generations to come.

Judy Jacobson thanked Ald. Vance for his concise explanation of the 40B issue. She indicated that, in its review of this proposal, the CPC looked very closely and seriously at the 40B-related issues, and was quite comfortable that the approval of this project would not “open floodgates” for oversized volumes of future 40B petitions seeking CPA funding, particularly, as Ald. Hess-Mahan had pointed out, because these units are moderate in size, which is certainly not typical for development in Newton.

President Baker thanked the Committee for its attention to this item, as well as all parties, particularly, the petitioner, for being involved in a collaborative effort that has brought this petition to this point. He stated that, while he was vehemently opposed to the original proposal, he, as well as concerned neighborhood groups, was in full support of this petition in its present form, and urged the Committee to approve this item.

Ald. Lappin asked whether the estimated cost for legal fees included in this request represented the entire cost or just a portion of the overall legal fee cost. Ms. Jacobsen indicated that Dan Funk had provided that figure to cover the cost of dealing with deed restrictions on each of the 14 affordable units as well as review of documents related to the CPA funding of this project.

Ald. Yates indicated his support for this lower density project (as opposed to what was initially proposed last year). He expressed his desire to see more lower density projects in the future. He suggested that these units could be marketed for BC staff and faculty in the interest of urging less commuter traffic on-campus. Additionally, he urged this petitioner and others who propose to build near transit stations, to pursue funding (in the form of loans) at the state level for support of transit use.

Ultimately, Ald. Vance amended his previous motion for approval to add language urging that the petitioner take all possible steps to convert the office space mentioned into the requested 15th affordable housing unit.

Ald. Danberg indicated her support of this project, with particular praise of the profit sharing offer.

Ald. Sangiolo pointed out that, while this final product is certainly acceptable to all parties affected, it may not particularly fit as a “model” for all future potential 40B projects, as this project is being done by a developer with a particular interest in creating affordable housing, where some other developments do not focus in on that aspect as a first priority for 40B projects. She asked about the condo fee rates and whether they would be set up on an affordable scale.

Susan Gittleman of B’Nai Brith responded that there will be two different tiers of fees, one for the affordable units and one for the remaining market rate units.

President. Baker asked for some clarification of language in the recommended CPA Revenue Share Proposal, which was subsequently provided by the Planning Department (see attached, received in office of the Clerk on 4/5/06).

Ald. Lennon indicated his support for this project, not only because of the amount of work that went into making it acceptable for all parties concern, but also because it proposes to return some of these funds to the CPA fund.

Committee Chair Linsky indicated he was pleased to see a project to provide affordable housing put into an area of Newton that does not typically have this type of housing available. He also noted his appreciation of all the effort that was made by the many parties involved in a good-faith effort to find something that worked for all concern. However, to the extent the CPA is charged with the promotion of affordable and community housing, and not necessarily lower-end market housing despite the fact that this is also of critical need to Newton, he wants the parties to review the configuration of this project to see if there is a way to have the CPA funds used to create more affordable or community units as we have in other projects, and not fewer than 40B would otherwise provide. While this is being reviewed, he indicated he would abstain in the vote in committee.

Ald. Yates asked that all figures be finalized during the Finance Committee review of this petition in an effort to ensure that all issues have been addressed when the item comes before the Full Board for final vote.

Ruth Ann Follen, 32 Suffolk Road, a member of the Chestnut Hill Association, reiterated that this is a special situation through which the community will gain enrichment from this well-planned project). She urged approval of this item.

Marvin Sifflinger, President of Board of B'nai B'rith, indicated that the organization is driven by its commitment to providing affordable housing. He explained that he is a 31-year resident of Newton, and that he has had 40 years of public service experience. He stated his confidence that this final format will fit into this community. He also offered his thanks to members of the Board of Aldermen, particularly Ald. Baker and Vance, for their assistance throughout this process.

Bill Hicks of 72 Algonquin Road noted the hundreds of hours spent on making an original 132 unit development into the present proposal which he supports.

Ald Weisbuch was present this evening and indicated his pleasure with and support of this final proposal.

On a motion to approve offered by Ald. Vance, with the request that every effort be made to include the 15th unit of affordable housing, the Committee voted to approve 6-0-2, (Ald. Linsky and Parker abstaining).

All other items were held. On a motion offered by Vice-Chair Parker, the Committee voted to adjourn at approximately 10:55 p.m.

Respectfully Submitted,

Stephen M. Linsky, Chair