

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, SEPTEMBER 29, 2009

Present: Ald. Parker (Vice Chairman), Yates, Linsky, Hess-Mahan, Vance and Ciccone
Absent: Ald. Lappin and Sangiolo

Others Present: Alice Ingerson (Program Manager, CPA), Judi Jacobson (Community Preservation Committee), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#241-09 MICHAEL CLARKE, 38 Halcyon Rd., Newton, MA, appointed as a Member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012 (60 days: 10/09/09) [06/29/09 @ 12:17 PM]

ACTION: **APPROVED 6-0**

NOTE: Dr. Clarke explained that he was from Ward 6 and was filling the seat to represent Open Space. The Open Space seat had been occupied by Ken Kimmell of Ward 7/8. Mr. Clarke said that when he moved to Newton 33 years ago it was hard to find the open space. For example, Cold Spring Park was pretty obscured and there was no sign. He also found then that it was not possible to canoe on Crystal Lake. He had to trace the law back to 1649 and found in the ordinances that one of the civil rights was the right to fish and fowl on a great pond of which Crystal Lake one. These experiences heightened his interest in open space in the City. Dr. Clarke said he was on the last two committees for the open space plan. He felt it was time to reinstitute that committee. Alice Ingerson there is an ongoing process to do just that.

Ald. Hess-Mahan asked why he would like to join the CPC. He said he's been working for the federal government for about 6 years and he would like to get re-involved with the issues in Newton. Ald. Yates asked Dr. Clarke what he thought the City should buy with CPA funds. Dr. Clarke recommended easements on the golf courses. Also, he recalled that years ago Parks & Recreation had considered the Pine Street area. He noted there were environmental and neighborhood issues. Ald. Yates asked Dr. Clarke to keep an open mind about creative solutions for upgrading some existing city open space through the historic preservation route. He also mentioned the restoration of Braceland Park to its historic function as a baseball field. He said the site had attracted massive crowds from miles around to see teams play baseball.

Ald. Parker said Dr. Clarke has been a longstanding, active voice for conservation in the City and he was delighted that he has chosen to serve.

Ald. Linsky moved to approve Dr. Clarke's appointment and the Committee voted in favor.

Appointment by His Honor the Mayor

#290-09 JOEL FEINERG, 121 Eastbourne Rd., Newton, MA appointed as a Member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012. (60 days: 11/21/09) [09/10/09 @ 4:17 PM]

ACTION: **APPROVED 6-0**

NOTE: Mr. Feinberg explained that he was from Ward 7 and was filling the seat to represent housing. He said he has been an attorney for 30 years. In the past dozen years his practice has become more focused on affordable housing and representing community and nonprofit groups. Judith Jacobson let him know that a seat would be available on the CPC and he became interested. He met with Mayor Cohen about a month ago and discussed the assignment. He said he has not attended any CPC meetings but felt that was a plus as he would not be prejudiced by any past activities of the Committee. He has kept up to date on what is going on with housing in the City, and felt he could be a useful member.

Ald. Yates asked Mr. Feinberg to keep an open mind about acquiring existing smaller homes and preserving them for young families. Ald. Hess-Mahan asked about his involvement with B'nai B'rith and Housing Families. For B'nai B'rith. Mr. Feinberg said he had tried to get the realty unit more involved with public housing. Housing Families had some great projects and they asked him to serve on the Board. He worked with them until they needed someone with fundraising expertise, so he left. He still does some work for them.

Ald. Parker said the focus of affordable housing in Newton should be on rental housing and housing for people below 60-80% area median income. The CPA allows community housing which under state law is not affordable housing – it allows for housing for people in the 80-100% area median income. He felt that community housing was being subsidized by people who made less money than the people who were going to live in them. He felt it was morally wrong and it was bad policy for keeping the CPA in Newton.

Mr. Feinberg felt the job of the CPC was to listen to the projects that people bring to them. He does not have his own agenda. If he had a generalized concern it would be to maintain diversity and make the City affordable for families to live in.

Ald. Vance moved to approve Mr. Feinberg's appointment and the Committee voted in favor.

The Committee thanked Judi Jacobson for her service on the CPC. She thanked the Committee for their work as well and welcomed the new members.

CPA Update

Alice Ingerson addressed the Committee and provided a few updates. She noted that the CPC had some public hearings to see if they could set some priorities for the coming years. She had sent the results to the Aldermen in June. Handouts of her presentation and discussion are attached to this report.

Ms. Ingerson said she's not sure how many proposals will be coming in. Right now, she estimates 6 solid proposals: 1 is housing; 1 is recreation/historic resources; and the rest are historic resources. There may be others and the deadline is October 16. She reported that the Department of Revenue brought the state match back up to 30%. The multi-year forecast shows that the 30% will remain, but it could definitely change.

Ms. Ingerson noted that a decision from the Mass Supreme Judicial court said that CPA funds can be used on land for recreational use if the land had never been used for recreation or at some point in the past ceased to exist for recreational purposes. She said that it could be difficult to determine what constitutes recreational use, and how long ago is "some point in the past".

The historic resources requirements have changes and the Secretary of the Interior standards are included in the attached handouts.

Meeting adjourned.

Respectfully Submitted,

Kenneth R.L. Parker, Acting Chairman



David B. Cohen
Mayor

City of Newton Community Preservation Program



Attachments Checklist for HISTORIC RESOURCES PROPOSALS

NEXT REGULAR PROPOSAL DEADLINE

4 pm on Friday, 16 October 2009

All proposals must address the goals in the current *Community Preservation Plan* and use the instructions and form in the *Proposal Handbook*, including its attachments checklists.

In addition, historic resources proposals should use this *Checklist* to produce 3 other attachments:

1. **Analysis of Historical Significance** (narrative; max. 1 page)
2. **Description of Historically Significant Features** (annotated list or map of features keyed to narrative 1 above; max. 1 page)
3. **Summary & Justification of Proposed Treatment** (summary of proposed work, keyed to features in 2 above; max. 1 page)

All three attachments can be combined into a single document, which should be between 1 and 3 pages long (in a type size that can be read without a magnifying glass!).

- Last revised June 2009-

ADDITIONAL COPIES

Copies of the Newton Community Preservation Plan and Proposal Handbook are available from Alice E. Ingerson, Community Preservation Program Manager, email aingerson@newtonma.gov, phone 617.796.1144, or from the program web site: www.ci.newton.ma.us/cpa/program.htm

ATTACHMENT INSTRUCTIONS

To qualify for historic resources funding under the Community Preservation Act (CPA) and Newton's current *Community Preservation Plan*, proposals must show both that

- ◆ the proposed resource is historically significant, and
- ◆ the proposed work follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties*

The CPA defines a historic resource as: "a building, structure, vessel, real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be **significant** in the history, archeology, architecture or culture of a city or town."

(instructions continued on next page)

Historic Resources Checklist, page 1 of 4

(instructions continued from previous page)

The process for making preservation, restoration, and rehabilitation decisions outlined in the Secretary of the Interior's *Standards* rests on and reinforces the CPA's focus on historical **significance**. The *Standards* are very detailed, but the decisionmaking process they recommend is simple common sense:

1. analyze the resource's historical significance
2. identify the features most closely associated with that significance
3. treat, manage, and maintain those significant features

The 3 required attachments below will show that your proposal used this process. Each attachment builds on those before it, so it is best to work on them in the order shown.

ATTACHMENT 1. Analysis of Historical Significance (narrative; max. 1 page)

Age alone (a founding date) does not in itself establish significance. But you do *not* need to describe everything that ever happened to your resource! Just show how it illustrates important ways in which Newton, New England, the United States, or the world has changed, or resisted change, through time.

Two tools at the end of this checklist can help you decide what to include in your narrative:

- ◆ criteria for listing on the *National Register of Historic Places* (also used by the state register):
www.nps.gov/nr/listing.htm
- ◆ National Park Service "themes in American history" framework:
www.nps.gov/history/history/hisnps/NPSThinking/themes_concepts.htm

Newton's CP program staff can provide feedback on draft narratives, but only *if* they are submitted at least 1 month before the proposal deadline.

ATTACHMENT 2. Description of Historically Significant Features

(annotated list or map of features keyed to narrative in attachment 1 above; max. 1 page)

Preservationists consider a site, building or artifact to have "integrity" if it still has visible features that help it to tell a significant story about change or continuity through time. List or map your resource's most significant features, and explain briefly how each feature illustrates the story in attachment 1 above.

Examples in the federal *Standards* may help you identify significant features for your resource:

- ◆ features of buildings (links in right column):
www.nps.gov/history/hps/tps/standguide/overview/choose_treat.htm
- ◆ features of landscapes (scroll down for headings):
www.nps.gov/history/hps/hli/landscape_guidelines/organization.htm

ATTACHMENT 3. Summary & Justification of Proposed Treatment

(summary of proposed work, keyed to features in attachment 2 above; max. 1 page)

The federal *Standards* identify 4 recommended treatments, usually listed in this order from most conservative to most radical (and in some ways, from most to least preferred):

- ◆ **preservation:** places a premium on the retention of all historic fabric through conservation, maintenance and repair; reflects successive occupancies and respectful changes and alterations
- ◆ **rehabilitation:** emphasizes retention and repair of historic materials, but provides more latitude for replacement because the property is more deteriorated, or is being adapted respectfully for a new use
- ◆ **restoration:** focuses on the retention of materials from a single significant time in a property's history, while permitting the removal of materials from other periods
- ◆ **reconstruction** (limited opportunities): re-creates a well-documented but non-surviving site, landscape, building, structure, or object using all new materials

State clearly which of these treatments your project will use, and why it was chosen; then annotate the 1-paragraph project summary from your main proposal to show clearly how the proposed work will protect the significant features identified in attachment 2 above.

USEFUL RESOURCES

SECRETARY of the INTERIOR'S STANDARDS (official versions, with many concrete examples)

- ◆ *Standards and Guidelines for the Treatment of Historic Properties* (focus on buildings),
www.nps.gov/history/hps/tps/standguide/index.htm
especially *Choosing an Appropriate Treatment for the Historic Building*,
www.nps.gov/history/hps/tps/standguide/overview/choose_treat.htm
- ◆ *Guidelines for Cultural Landscapes* (considered part of the *Standards* above)
www.nps.gov/history/HPS/hli/landscape_guidelines/index.htm
and *Preservation Brief 36: Planning, Treatment and Management of Historic Landscapes*
www.nps.gov/history/hps/TPS/briefs/brief36.htm

NATIONAL REGISTER OF HISTORIC PLACES: Criteria for Listing

(also used by Massachusetts state register)

www.nps.gov/nr/listing.htm

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons or events significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in prehistory or history.

National Park Service (NPS)

THEMES & CONCEPTS IN AMERICAN HISTORY: For Evaluating the Significance of Historic Resources

www.nps.gov/history/history/hisnps/NPSThinking/themes_concepts.htm

[This framework is] a conceptual tool for evaluating the significance of cultural resources within or outside the National Park Service ... [It] emphasizes the process of how to study history [and] rests on the assumption that ... our understanding of the past ... will continue to evolve ...

Public Law 101-628, Section 1209 (1991) directed the NPS to revise the 1987 thematic framework to incorporate ... new approaches to examining and understanding America's past. ... [The new framework] makes it easier to incorporate ... the stories of broad social trends and ordinary people. Unique and notable events, of course, still are included in the framework's goals, but they are more likely to be placed firmly within the broader contexts of their time.

- I. **Peopling Places** ... Communities, too, have evolved according to cultural norms, historical circumstances, and environmental contingencies. ... *Topics include:* family and the life cycle; health, nutrition, and disease; migration from outside and within; community and neighborhood; ethnic homelands; encounters, conflicts, and colonization..
- II. **Creating Social Institutions and Movements** ... the diverse formal and informal structures such as schools or voluntary associations through which people express values and live their lives. ... *Topics include:* clubs and organizations; reform movements; religious institutions; recreational activities.
- III. **Expressing Cultural Values** ... people's beliefs about themselves and the world they inhabit ... the ways that people communicate their moral and aesthetic values. ... *Topics include:* educational and intellectual currents; visual and performing arts; literature; mass media; architecture, landscape architecture, and urban design; popular and traditional culture.

(themes continue on next page)

- IV. Shaping the Political Landscape** ... tribal, local, state, and federal political and governmental institutions that create public policy and those groups that seek to shape both policies and institutions. ... *Topics include:* parties, protests, and movements; governmental institutions; military institutions and activities; political ideas, cultures, and theories.
- V. Developing the American Economy** ... the ways Americans have worked, including slavery, servitude, and non-wage as well as paid labor. ... including class formation and changing standards of living in diverse sectors of the nation. ... *Topics include:* extraction and production; distribution and consumption; transportation and communication; workers and work culture; labor organizations and protests; exchange and trade; governmental policies and practices; economic theory.
- VI. Expanding Science and Technology** ... the physical sciences, the social sciences, and medicine... *Topics include:* experimentation and invention; technological applications; scientific thought and theory; effects on lifestyle and health.
- VII. Transforming the Environment** ... the variable and changing relationships between people and their environment, which continuously interact. The environment is where people live, the place that supports and sustains life. The American environment today is largely a human artifact, so thoroughly has human occupation affected all its features. ... *Topics include:* manipulating the environment and its resources; adverse consequences and stresses on the environment; protecting and preserving the environment..
- VIII. Changing Role of the United States in the World Community** ... diplomacy, trade, cultural exchange, security and defense, expansionism - and, at times, imperialism ... While the United States, especially in the nineteenth and twentieth centuries, has left an imprint on the world community, other nations and immigrants to the United States have had a profound influence on the course of American history. ... *Topics include:* international relations; commerce; expansionism and imperialism; immigration and emigration policies.

City of Newton



David B. Cohen
Mayor

City of Newton Community Preservation Program



Fiscal 2010-12 Community Preservation Priorities

Mission & Vision.	1
What <i>Could</i> Be Funded? Eligibility under the CPA	2
What <i>Should</i> Be Funded? (with Available Funds Forecast).	2
Priorities for Newton, Fiscal 2010-12.	4
Special Issues for Recreation Land	6
Proposal Process & Next Deadline	7

AVAILABLE SEPARATELY

FUNDING GUIDELINES

- ◇ Overarching Goals ◇ Community Housing ◇ Historic Resources ◇ Open Space ◇ Recreation Land

PROPOSAL & PROJECT HANDBOOK

- ◇ Allowable Uses of Funds ◇ Program Goals ◇ User's Guides to Funding Process ◇ Proposal Instructions
- ◇ Basic Proposal Form ◇ Historic Resources Attachments Checklist ◇ Housing Attachments Checklist

REFERENCES & RESOURCES

including Non-CPA Funding Sources

- ◇ Multiple Resources ◇ Community Housing ◇ Historic Resources ◇ Open Space & Recreation

ADDITIONAL COPIES

*Copies of this and all documents above are available from
Alice E. Ingerson, Community Preservation Program Manager,
email aingerson@newtonma.gov, phone 617.796.1144, or from the program web site:
www.ci.newton.ma.us/cpa/program.htm*

MISSION

Invest in
community housing, historic resources, open space & recreation land
to preserve, restore & enhance Newton's character as
a community of diverse but interdependent people & places,
both a “city of villages” and a “garden city.”

VISION

COMMUNITY HOUSING Newton continues to welcome residents of varying income levels, occupations, needs, and ages. Smaller homes and more densely developed neighborhoods are valued both for their affordability and for their sustainability and energy efficiency.

HISTORIC RESOURCES Newton preserves a full range of resources that allow its past to inform choices about its future, including both village centers that grew up around 19th-century railroad stations, with their lively mix of housing types and land uses; and 20th-century neighborhoods shaped by zoning and the automobile, valued for their quiet consistency.

OPEN SPACE Newton preserves and restores the capacity of its natural systems to survive environmental stress, protect native species, support appropriate human uses, and reduce or even reverse the city’s negative impacts on regional and global environments.

RECREATION LAND Parks and playgrounds enhance the quality of life throughout Newton, especially in neighborhoods with smaller homes or higher densities; preserve the city’s history of design excellence and public-private partnerships; and help to preserve or restore functioning ecosystems.

PLAN

Newton’s *Community Preservation Plan* consists of two separate documents; this short outline of *Priorities*, updated every 2-3 years, and longer but less frequently updated *Guidelines*, which summarize long-term needs and possibilities for affordable housing, historic resources, open space and recreation land. Together, these two documents:

- ♦ lay out a framework for the Community Preservation Committee (CPC) to use in making recommendations for spending funds
- ♦ help proposal sponsors, the public, the Board of Aldermen, and other participants in the funding process understand the principles and priorities behind CPC recommendations
- ♦ through periodic revisions, give all of these participants the opportunity to help the CPC reshape those principles and priorities

What *Could* Be Funded? Eligibility Under the Community Preservation Act

These buckets illustrate show how the Community Preservation Act requires each local community to allocate its Community Preservation Fund annually, or set funds aside for future spending:



The CPA allows local communities to spend their CP funds on a range of uses, within constraints. The most important constraint is that CP funds *cannot* be spent on the routine maintenance of any resource. Other major constraints are summarized here:

Community Preservation Act Allowable Uses of Funds				
	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	RECREATION LAND
acquire	YES	YES	YES	YES
create	YES	NO	YES	YES
preserve	YES	YES	YES	YES
support	YES	NO	NO	NO
rehabilitate/restore	YES, IF ...	YES	YES, IF ...	YES, IF ...

“YES, IF ...” means “if the resource was acquired or created in the first place with CP funds.”

Not all terms used in the Act are defined there. The more detailed version of the chart above in the broader funding *Guidelines* and the *Proposal & Project Handbook* quotes explicit definitions of fundable resources or activities from both the Act itself and relevant court rulings interpreting the Act.

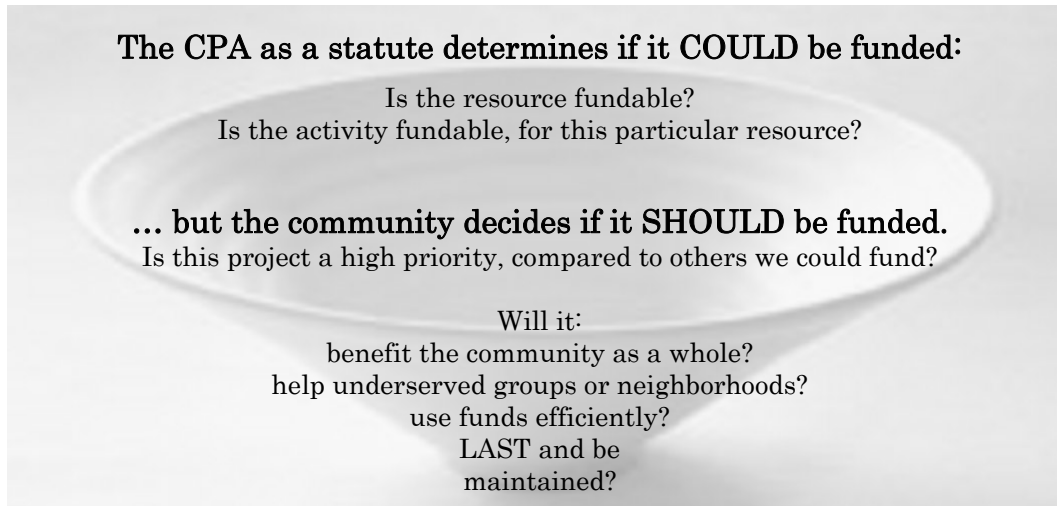
What *Should* Be Funded? Setting Local Priorities for Newton

The Proposal Funnel

Within the constraints outlined above, the Community Preservation Act gives local communities wide discretion: to adopt a property tax surcharge varying from less than 1 percent to a maximum of 3 percent; to grant a variety of special exemptions to that surcharge; and to set funding criteria that are more (but not less) restrictive than those in the Act itself.

As the diagram on the next page suggests, this combination of state requirements and community judgment creates a funding “funnel.” Some projects that are important to the local community are simply not eligible for funding; they cannot even go in at the top of the funnel. More often, a project can go in at the top but does not come out at the bottom with funding. In short, not every project that *could* be funded *should* be funded.

THE PROPOSAL “FUNNEL”



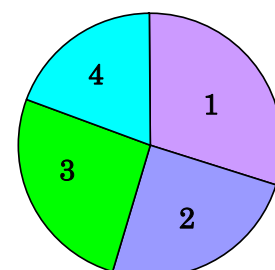
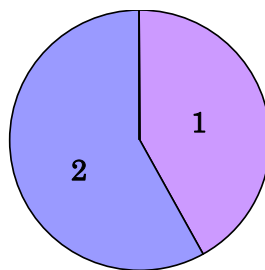
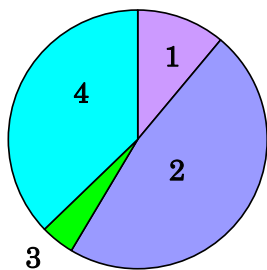
The funnel is not static, however. Over time, legislative amendments and court interpretations have reshaped its wide end. Revenue fluctuations, past spending choices (especially debt financing), and shifting community priorities continually reshape its narrow end.

Building on a History of Achievement in a Challenging New Context

Eight years ago, Newton was one of only 36 communities to adopt the Community Preservation Act. For much of the period since, times were flush and 100 percent state matches the rule. The City of Newton used community preservation funds for an impressive array of major projects: the creation of over 100 units of permanently affordable housing; the acquisition of over 30 acres of open space and recreation land at Kessler Woods, Angino Farm, Dolan Pond, the Flowed Meadow Conservation Area, and around Crystal Lake; the restoration of the city’s three historic burying grounds, the City Hall, the 1732 Durant-Kendrick Homestead, and the preservation of the city’s historic archives.

The buckets on the preceding page show that up to 80 percent of CP funds can be spent on a single core resource, and many CPA communities do exactly that. In contrast, Newton has distributed its cumulative CP resources relatively evenly across the four resources. However, the balance among resources varies widely from year to year, depending on the quality and urgency of proposals submitted.

Newton Community Preservation Program Appropriations by Resource							
KEY		3-YR AVERAGE		LAST FULL YEAR		CUMULATIVE	
		Fiscal 2007-09 YTD		Fiscal 2009		Fiscal 2003-2009	
1	housing	12%	\$968,800	42%	\$968,800	30%	\$8,973,739
2	historic	54%	\$4,213,334	58%	\$1,335,994	24%	\$7,326,301
3	open space	5%	\$358,600	0%	\$0	26%	\$7,854,116
4	recreation	42%	\$3,284,500	0%	\$0	19%	\$5,802,317
		100%	\$7,856,434	100%	\$2,304,794	100%	\$29,956,473



In the coming years, there will be less money to spend. As of June 2009, a total of 142 municipalities have adopted CPA, and therefore have a claim on state matching funds. At the same time, the transaction fee activity at the Registry of Deeds, the source for those state funds, has ebbed with the fortunes of the real estate market. For fiscal 2009, Newton’s state match was only 67 percent. In May 2009, Newton’s state match for fiscal 2010 was forecast at only 29 percent.

Over the next 3 years, Newton’s CP Fund is likely to have only about \$2.4 million for new projects each year, compared to an average of nearly \$5.3 million each year over the program’s first 8 years:

<i>as of June 2009</i>			
City of Newton, Massachusetts COMMUNITY PRESERVATION FUND Financial Forecast			
REVENUE	Fiscal 2010	Fiscal 2011	Fiscal 2012
local CPA surcharge	\$2,273,354	\$2,330,188	\$2,388,443
state matching funds <i>(est. 30% of previous-year local surcharge revenue)</i>	\$646,303	\$682,006	\$699,056
additional local revenue:			
fund balance forwarded from previous year	\$1,050,000		
interest	\$200,000	\$200,000	\$200,000
TOTAL REVENUE	\$4,169,657	\$3,212,194	\$3,287,499
EXPENDITURES			
PROGRAM ADMINISTRATION & DEBT SERVICE			
program administration <i>(max. 5% of total current-yr local surcharge + interest + state match for previous-yr local surcharge)</i>	(\$142,050)	(\$150,610)	(\$154,375)
debt service for Angino Farm	(\$311,250)	\$0 - paid off	
debt service for Kessler Woods	(\$569,500)	(\$555,750)	(\$540,750)
debt service for 20 Rogers St.	(\$337,238)	(\$327,038)	(\$317,156)
TOTAL Program Administration & Debt Service	(\$1,360,038)	(\$1,033,397)	(\$1,012,281)
AVAILABLE RESOURCES after program administration + debt service	\$2,809,620	\$2,178,797	\$2,275,218

With belt tightening and less funding from other sources, more advocacy groups and city agencies will be clamoring to spend these available funds. As municipalities across the Commonwealth are doing, Newton is also cutting important programs and positions to balance its regular budget. All discretionary projects, even those from non-budgetary sources such as community preservation funds, will be heavily scrutinized.

This fiscal climate makes it important to set clear future priorities. The CPC has adopted the following priorities for Fiscal 2010-12. Please also consult the *Guidelines* and the *Proposal & Project Handbook*.

Fiscal 2010-12 PRIORITIES for Newton

Overall

Newton should be proud of, and continue,

- ◆ allocating funds relatively evenly across the four fundable resources, over time
- ◆ encouraging projects that combine two or more fundable resources

Newton’s needs for affordable housing, open space, and recreation land are not likely to be fully met in the foreseeable future. However, each of these resources has its own rhythm, so an even balance is not always possible or desirable within each funding year. Opportunities to invest in affordable housing may occur more often, in more places, than opportunities to acquire open space. As Newton’s *Comprehensive Plan* notes, well-planned projects can also preserve the community’s historic fabric while also using it to meet a range of current community needs, from housing to recreation.

In Fiscal 2010-12, the CPC will aim to

- 1. Integrate Planning for CP Funds with Other Citywide Plans**, including the *Comprehensive Plan*, *Consolidated Plan* (housing and community development), *Open Space & Recreation Plan*, *Heritage Landscape Report*, and future historic preservation or improved capital plans.

The multi-year time horizons in these existing plans will help the CPC evaluate current funding proposals in the context of the city's long-term needs and future proposals.

In addition, CP funds are by almost definition capital funds, because they cannot be used for maintenance. For resources in public ownership, CP funding priorities should be integrated with the improved capital planning and budgeting recommended by the Citizen Advisory Group (report online at www.ci.newton.ma.us/CitizenAdvisoryGroup/reports.html).

Finally, this integration is especially urgent for historic resources, including many if not most of Newton's public buildings and landscapes. This is currently the only category in which a resource can be rehabilitated even if it was not acquired or created with CP funds. The CPC has urged the formation of a taskforce that also includes elected officials, city staff from many departments, and citizens to create a multi-year plan and priorities for funding city-owned historic resources.

- 2. Give Priority to Projects That Leverage CP Funds**

The CPC has always urged sponsors to find funds from non-CPA sources. Going forward, the CPC will require leverage for projects that (a) appear to benefit only a small area or a few residents; (b) could access additional funding sources, but have yet done so; or (c) have no assured source of funding for future maintenance. However, the CPC has not set any specific minimum percentage of matching funds for particular types of projects, and will take into account that some neighborhoods have a greater capacity than others for private fundraising.

- 3. Make Proposal Review More Efficient: Use Pre-proposals ("One-Pagers")**

As described in the *Proposal & Project Handbook*, a pre-proposal or "one-pager" allows CP staff to provide early advice that can strengthen full proposals; allows the City of Newton Law Department to provide preliminary opinions about eligibility for CP funding; and helps the CPC consider reserving funds for worthy future projects. However, one-pagers remain optional, and the CPC will *not* base funding recommendations on one-pagers.

- 4. Make Proposal Review More Efficient: When Possible, Fund Programs Rather than Projects**

For small individual projects, the proposal review process can be onerous and costly. One way to reduce these costs is by reviewing and funding multi-year, multi-site *programs*, so that the funded departments or organizations can then allocate funds among individual projects. One example is the Newton Homebuyer Assistance Program. Another potential example, mentioned in the CPA itself, is an affordable housing trust.

- 5. Reserve Funds for Future Major Projects, Including (but not Limited to) Open Space Acquisition**

CP funds can and often should be saved for the future rather than spent in the first year they become available. The CPC plans to reduce the need for debt financing and prepare for future major projects by building up a cash reserve of approximately one year's revenue (\$2 million), which can be used for any of the four fundable resources. Many or most of the projects that create a need for this priority involve the few remaining large, privately owned parcels of open space in Newton, such as land on Hammond Pond Parkway and the three major golf courses. If or when any of these parcels come on the market, an existing reserve will give the city a greater voice in deciding their fate.

Community Housing

- 1. Support Housing That Meets Goals in the *Comprehensive Plan*:
In Village-Center, Mixed-Use, or Transit-Oriented Locations**

Newton's *Comprehensive Plan* favors the development of housing in mixed-use village centers and near transit. For sites in these locations, the CPC will consider proposals to cover predevelopment costs and planning, as long as the proposal sponsor can demonstrate clear site control. The CPC will not consider purely speculative proposals.

Historic Resources

1. Require proposals to apply the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, including the *Guidelines for Cultural Landscapes*.

The *Standards* provide a model process for evaluating the significance of a historic resource, then making choices about preservation, restoration, and rehabilitation that protect the resource's most significant features. The new *Historic Resources Proposal Checklist* provides detailed instructions and resources for demonstrating that a proposal has applied the *Standards*. The *Checklist* is available on request or from the program website, www.ci.newton.ma.us/cpa/program.htm.

Open Space & Land for Recreational Use

1. Acquire Large Parcels, Especially Those With Habitat Value or Bordering Existing Open Space

Large, unfragmented parcels are of special value to wildlife and native vegetation; but small parcels can also be combined for larger impacts. The CPC will encourage proposals that combine land and funding from Newton with land and funding from bordering CPA communities – Waltham, Weston, Wellesley, or Needham; from state or federal agencies; or from private sources. The CPC will require matching funds or leverage for projects where the public benefit of enlarging existing open space or parks is concentrated in the immediate, abutting neighborhood.

2. Acquire Less Than Full Ownership of Land, or Land at Less Than Full Market Value

To make CP funding go farther, the CPC will encourage proposals in which property owners are willing to donate land or conservation restrictions, or sell them at below full-market prices.

3. Create or Preserve Linear Open Space and Paths

The CPC will encourage proposals that connect existing open spaces and recreation lands. However, the current ownership and use of existing and former corridors is often complex. Proposals must: (a) show clearly that public funds will not be spent to acquire something that the public in fact already owns; (b) propose a future form of ownership that provides permanent protection (usually by assigning underlying rights to one owner and a conservation restriction to another); and (c) if for rehabilitation rather than acquisition or creation, show that they do not involve land already designated or used for public recreation. Where (c) is in doubt, the CPC will encourage submission of a pre-proposal for a Law Department review of funding eligibility.

4. Create or Preserve Open Space and Parks Where They Are Currently Scarce

This goal faces two challenges: (a) in the city's most densely developed neighborhoods, there is little private open space, and creating new open space would often require eliminating existing, relatively affordable housing; (b) the city's maintenance budgets for existing parks are already stretched to or beyond their practical limits, raising questions about how new parks could be cared for. The CPC welcomes proposals for innovative ways to meet these challenges.

Special Issues for Recreation Land

The CPC has been urged to find ways of using CP funds to care for existing public resources, including parks and playgrounds. Many of these sites were created in the late 19th and early 20th centuries, and their remaining historically significant features may be eligible for CP-funded restoration or rehabilitation that rigorously applies the Secretary of the Interior's *Guidelines for Cultural Landscapes*.

However, a fall 2008 ruling by the Massachusetts Supreme Judicial Court clarified the limits on other uses of CP funds for parks and playgrounds that were neither acquired nor created with CP funds:

[CPA funds may be appropriated] ... for the creation of land for recreational use, not the creation of new recreational uses on existing land already devoted to that purpose. ... However, to the extent that a municipality chooses to convert land that had been used for a purpose other than recreational use, including blighted land, or land that, at some point in the past, ceased to exist for recreational purposes, that action... would constitute the creation of land for recreational use, and CPA funds could be appropriated for the necessary costs of the project (SJC ruling 10135, 24 October 2008).

The CPC encourages anyone interested in this issue to participate in current debates about whether to amend the CPA to allow funding of park and playground rehabilitation proposals that are neither intended nor designed as historic resource projects.

Proposal Process & Next Deadline

The CPA defines the roles of two distinct groups in the process of allocating funds:

- ◆ The Community Preservation Committee has the sole right to recommend projects for funding.
- ◆ The local legislature has the sole power to appropriate CPA funds – to accept or reject the recommendations of the CPC. In Newton, this group is the Board of Aldermen.

As required by the CPA, Newton’s Community Preservation Committee includes members representing and appointed by the Conservation Commission, the Planning and Development Board, the Housing Authority, the Historical Commission, and the Parks and Recreation Commission. As permitted by the CPA, Newton’s committee also has four members appointed by the Mayor, representing all of the city’s wards and each of the four fundable resources. Newton’s CPC has imposed a limit of two consecutive 3-year terms for any member. The chairmanship rotates annually.

The CPC’s staff program manager, Alice Ingerson, invests significant time to help sponsors submit their strongest possible proposal. A pre-proposal or ‘one pager’ is often useful in this process.

Public hearings are held for all proposals (usually one hearing for all new proposals). All proposals are also reviewed for funding eligibility by the city’s Law Department, then evaluated and discussed by the CPC at one or more working sessions. As part of its review, the CPC also consults appropriate city departments and boards, community groups, and others with relevant expertise or interests.

Proposals recommended by the CPC are then reviewed by two or more committees of the Board of Aldermen before they are voted on by the full Board.

The *Proposal & Project Handbook* includes a diagram of Newton’s full proposal review process and is available on the program website (www.ci.newton.ma.us/cpa/program.htm),

Proposals for the fiscal 2010 regular funding cycle are due by 4 pm on Friday, 16 October 2009.

Detailed requirements are on the “Guidelines & Forms” page of the program website, www.ci.newton.ma.us/cpa/program.htm

The CPC accepts proposals outside the regular funding cycle only for real estate acquisitions, when a potential seller is unable or unwilling to delay a sale to fit the regular schedule. This policy allows the CPC to weigh the relative merits of each proposal against others, both current and future, rather than allocate funding on a ‘first-come, first-served’ basis.

These *Priorities* were approved by the Community Preservation Committee on 17 June 2009.

<i>CHAIR</i> Joyce Moss,	Planning and Development Board
<i>VICE CHAIR</i> Kenneth Kimmell,	Mayoral Appointee, Open Space
Walter Bernheimer II,	Parks and Recreation Commission
Stephen P. Fauteux,	Mayoral Appointee, Recreation
Dan Green,	Conservation Commission
Nancy Grissom,	Mayoral Appointee, Historic Resources
Judith S. Jacobson,	Mayoral Appointee, Community Housing
Zack Blake,	Newton Historical Commission
Thomas Turner,	Newton Housing Authority