

City of Newton



David B. Cohen
Mayor

*City of Newton
Community Preservation Program*

Funding Guidelines

*Prepared by the
Community Preservation Committee*

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*City of Newton
Community Preservation Funding Guidelines*

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AVAILABLE SEPARATELY

Fiscal 2010-12 FUNDING PRIORITIES

- ◇ Overall ◇ 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*

City of Newton
Community Preservation Funding Guidelines
Program Overview

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

City of Newton
Community Preservation Funding Guidelines

Program Overview

**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 for these different community resources, with some constraints. The most important constraint is that CP funds *cannot* be spent for routine maintenance – non-capital expenditures for ongoing upkeep – for any resource. Other major constraints are summarized here:

Community Preservation Act Allowable Uses of Funds				
	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	LAND for RECREATION
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.

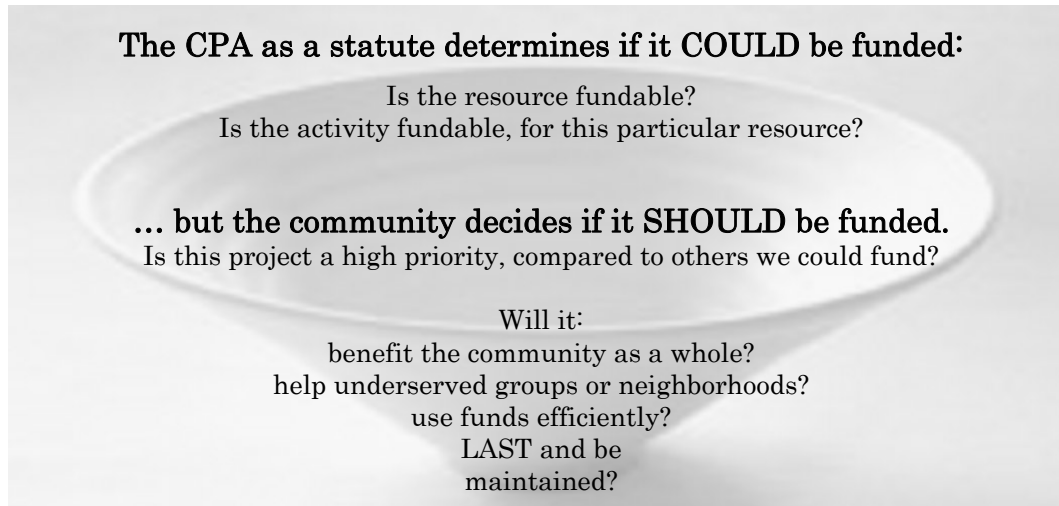
**What *Should* Be Funded?
Setting Local Priorities for Newton**

The Proposal Funnel

Within the funding 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 below 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.

To reflect this changing context, Newton’s Community Preservation Committee revises its published funding *Priorities* every 2-3 years, after soliciting community input through channels ranging from public hearings to online surveys. In contrast, these broad *Guidelines* are revised as needed but usually much less often, because they reflect long-term, underlying community needs.

Newton’s current process for reviewing and funding proposals is summarized briefly in the funding *Priorities* and explained in detail by the *Proposal and Project Handbook*. Both documents are available upon request, as well as online from the “Guidelines & Forms” page of the program website, www.ci.newton.ma.us/cpa/program.htm.

The Community Preservation Committee last re-affirmed these *Guidelines* 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
Zack Blake,	Newton Historical Commission
Stephen P. Fauteux,	Mayoral Appointee, Recreation
Dan Green,	Conservation Commission
Nancy Grissom,	Mayoral Appointee, Historic Resources
Judith S. Jacobson,	Mayoral Appointee, Community Housing
Thomas Turner,	Newton Housing Authority

City of Newton
Community Preservation Funding Guidelines

Overarching Goals

Newton is fortunate to have already gone a long way in assessing our City's needs and goals. Newton's draft *Comprehensive Plan*, the *Recreation and Open Space Plan*, and the *Consolidated Plan for Housing and Community Development* are among these outstanding efforts. The Community Preservation Committee sees the CPA as a resource for carrying out many of the thoughtful recommendations contained in these studies.

The subsequent sections of this plan discuss community needs and possibilities specific to each of the four fundable resources. In addition, the CPC has articulated a set of overarching goals that apply to all projects:

1. Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.
2. Serve more than one CPA category (for example, community housing that is clustered to preserve open space).
3. Demonstrate the highest cost/benefit value relative to other proposals (this would include situations in which land, buildings, or services are donated, offered at cost or discounted from market value).
4. Leverage other public and/or private funds.
5. Preserve a resource or opportunity that would otherwise be lost.
6. Show that a project is the most reasonable available option to achieve the objective.
7. Demonstrate strong community support.
8. Serve to equitably distribute CPA funds throughout the City.

The general goals stated above apply in combination with specific additional goals in each section below. A one-page summary of all goals in these *Guidelines* is included in the *Proposal & Project Handbook*.

City of Newton
Community Preservation Funding Guidelines

Community Housing

Background

Housing affordability promotes social and economic diversity. Affordable housing allows seniors without substantial assets to remain in a community where they have spent their lives, young families to enter the market, and municipal employees to reside in the communities they serve. Everyone benefits from living in a community that includes people from many different generations, backgrounds, and occupations. Development opportunities for affordable housing are rare in Newton. The CPC will make special efforts to assist developers of potential housing.

As of the 2000 Census, the City of Newton’s total population was 83,829. Of the total number of occupied housing units (31,201), 69.5% were owner-occupied and 30.5% were renter-occupied. Newton is divided into 13 villages, most of which are anchored by small business districts with a variety of retail shops, restaurants, medical offices, places of worship, and parks.

Most of the residential lots in Newton range between 5000 s/f and 1+ acre. The majority of the housing stock is comprised of single-family homes, but there are also two-family properties. Many large, older homes originally built for single families, as well as for two or three families, have been converted to condominiums. Newton also has a number of garden-style and townhouse developments, some of which are rental and some of which are condominiums. Several historic buildings have been converted to housing, including former mills, schools, and churches.

Newton has a number of recent multi-family developments that include affordable units, such as Avalon at Newton Highlands, Arbor Point at Woodland Station on Washington Street, and Avalon at Chestnut Hill on Route 9. The City also has housing dedicated to the needs of the elderly, including several assisted and independent living communities and nursing homes. Finally, Newton has a number of group residences that serve individuals with special needs and public housing rental units for families and the elderly.

As of August 2007, 7.7% of the City’s existing housing stock was considered affordable, according to the definitions most commonly applied by various state and federal programs. This falls short of the 10% goal in MGL Chapter 40B and the City’s inclusionary zoning ordinance.

Resources

As of June 2008, Newton has allocated over \$8 million for community housing, producing 95 units containing 146 bedrooms (including several group homes where a unit consists of a bedroom and shared common spaces).

The CPA defines community housing as “low and moderate-income housing for individuals and families, including low or moderate-income senior housing.” The 2000 Census reported that many Newton households spent more than the federally-recommended maximum of 34 percent of their income on housing:

Housing Costs as a Proportion of Household Income in Newton <i>from the 2000 U.S. Census</i>		
<i>category</i>	<i>annual household income</i>	<i>spending more than 34% of income on housing</i>
Renters	Any	25.3%
All households	\$10,000-19,999	60.2%
all households	\$20,000-34,999	58.0%

The following table illustrates the gap between median incomes in greater Boston, used to determine eligibility for community housing in Newton, and median house prices in Newton. The definitions of “low and moderate incomes” used here are common but not universal - for a detailed comparison of different funders’ definitions, see Newton’s *Consolidated Plan for Housing and Community Development, 2006-2010*.

Area Incomes vs. Newton Home Prices, 2008		
annual income for a family of 4, <i>as a percentage of Boston-area median income</i>	low income <i>(80% of area)</i>	\$66,150
	moderate income <i>(100% of area)</i>	\$85,800
2008 median house price in Newton		\$760,000
annual income required to afford median-priced house in Newton, <i>with a 30-year, fixed-rate mortgage at 6.5% interest; \$1,520 annual insurance; \$7,372 annual taxes, and:</i>	20% downpayment	\$168,000
	no downpayment	\$203,300

Sources: U.S. Dept. of Housing & Urban Development, *Banker and Tradesman*/Warren Group.

A number of legal and financial mechanisms promote the construction of affordable housing. Newton was one of the first cities in the Commonwealth to enact an inclusionary zoning ordinance requiring residential developers building 10 or more units to set aside a certain number of units as affordable to moderate-income households. Although this ordinance produced 216 new affordable units, 134 of these had only temporary affordability restrictions and have since been lost by conversion to market-rate units. In April 2003, the ordinance was revised to increase the required percentage of affordable units from 10% to 15%, in developments requiring a special permit. Either rental or homeownership units may qualify as inclusionary under the new ordinance. Depending on the number and type of inclusionary units (for sale or rental) in a development, qualifying households may earn up to 80% of the area median income, for rental housing, or up to 120% for homeownership.

Recently, Newton developers have also availed themselves of the Comprehensive Permit law under MGL Chapter 40B, which requires that 25% of the total number of units built be affordable to households earning no more than 80% of area median income, or that 20% of the units built be affordable to households earning no more than 50% of area media income. Under this statute, 1,419 units of affordable housing have been created or are currently under construction in Newton.

The Newton Housing Authority owns and manages over 10 developments in Newton providing 481 units of affordable housing, including 11 created or preserved with CPA funds. Some of these developments involved partnerships with other organizations, including Habitat for Humanity and Cascap, Inc.

In addition, Newton annually receives approximately \$1.4 million in Community Development Block Grant (CDBG) and HOME funds, which it utilizes to create, develop and preserve affordable housing. These funds have been used to leverage other funding, which has led to the creation of 463 units of long-term, deed-restricted affordable housing. Of these units, 48% have been designated for people with special needs, 16% for families and 36% for the elderly.

Newton also has a variety of CDBG and HOME-funded programs, including the First Time Homebuyer Program, the Newton Connection Homebuyer Assistance Program (supported primarily with CP funds), and the Newton Housing Rehabilitation Fund, which assist low- and moderate-income families in purchasing and/or upgrading existing homes in Newton.

Complementing the housing efforts of the City are those of many active nonprofit housing organizations including Advocates Inc., B’nai B’rith Housing New England, Newton Community Development Foundation, Community Living Network, Inc., Citizens for Affordable Housing in Newton Development Organization (CAN-DO), Cascap, Inc., Jewish Community Housing for the Elderly (JCHE), Newton-Wellesley-Weston Committee for Community Living, The Second Step, and Riverside Community Care.

Needs

Based on information published by the Massachusetts Department of Housing and Community Development, 7.4% (2,435 units) of Newton's housing inventory is considered affordable for low- or moderate-income households, for the purposes of state statute Chapter 40B, Sections 20-23. In communities where less than 10% of the housing stock is classified in this way as affordable, Chapter 40B provides a streamlined zoning review process that may overrule local land use controls, for certain kinds of new housing developments.

Despite the available resources, it is increasingly difficult to develop affordable housing in the City due in part to the high cost of property and construction, the lack of available land, restrictive zoning, and neighborhood resistance to proposals that require greater density in order to be economically feasible. In recognition of these difficulties, the CPC has, and will continue to, work closely with developers to meet deadlines and other marketplace requirements.

Possibilities

At community meetings, Newton residents often suggest utilizing CPA funds to purchase existing homes at market prices and sell them to eligible low- and moderate-income families at subsidized, below-market prices. Older small homes are particularly threatened in this age of "tear downs," where smaller houses are being demolished in record numbers to make way for much larger, and therefore more expensive new homes. Lower-priced condominium and two-family units could likewise be purchased under such a program. CPA funds can be used in combination with other state and local funding mechanisms to ensure that pricing meets affordable levels.

Similarly, as new residential developments are proposed, CPA money can be used to buy down the cost of additional affordable units over the 15% (or, under Chapter 40B, over the 25% or 20% thresholds, based on income) that builders are required by law to include in their developments.

In addition, CPA funds can be used to help first-time homebuyers or other homebuyers afford a home in Newton. CPA funds can also be used to support the housing needs of low- or moderate-income senior citizens through a variety of funding mechanisms to assist with housing costs.

CPA funds can also be used to provide financial incentives to promote the creation of affordable accessory apartments within the existing housing stock, where appropriate.

CPA funds can also be used to assist private affordable housing developers in leveraging other federal and state funds. This is extremely helpful where a development requires multiple funding sources and other sources require a demonstrated commitment of local financial support in order to qualify for funds.

Although most CPA housing developments have involved the conversion of units from market-rate to affordable, there are some opportunities in the City for new construction.

Finally, CPA funds can be used to fund both large and small-scale multi-family developments, which cannot otherwise use CDBG or HOME funds, such as developments that serve residents between 81% and 100% of median income.

To be fundable under the Community Preservation Act, community housing must be affordable to households earning no more than 100% of the area median income. Proposals for community housing should utilize innovative housing models to provide rental or homeownership opportunities..

Goals

To be fundable under the Community Preservation Act, community housing must meet the following criteria:

Housing Eligible for CPA Funds	
housing type	<ul style="list-style-type: none"> ◆ rental ◆ or homeownership
serving households with these incomes	Below 100% of area median income (updated annually and adjusted for size of household).
and serving any of these groups	<ul style="list-style-type: none"> ◆ families ◆ seniors ◆ residents with special needs ◆ groups targeted by local-preference programs, <i>to the extent that such preferences are compatible with fair housing guidelines</i>, such as those set by the federal government and by Newton’s Fair Housing Taskforce. Past local-preference programs have assisted people who already live or work in Newton, have children in a Newton school, or have an immediate family member living in Newton.

Since the program began in 2002, the CPC has modified its goals for community housing in consultation with the Newton Housing Partnership, the Newton Housing Authority, and other organizations, and in response to its experience. Proposals brought before the committee should address *most* of the following goals (this list is not in priority order):

1. Help Newton reach the state mandate of having 10% of its housing stock affordable to those at or below 80% of median income under MGL Chapter 40B.
2. Create community housing that is well designed, of decent quality and based on sound planning principles, including development located near public transportation and in village districts.
3. Address one or more of the City’s housing needs, such as those articulated in the City’s *Consolidated Plan for Housing and Community Development, 2006-2010* and *2007 Comprehensive Plan*.
4. Keep new units affordable for the long term and in perpetuity where possible.
5. Demonstrate that the amount of requested CPA funding as well as the total public subsidy requested is reasonable and is the minimum amount needed for feasibility of affordable housing. For example, it may be reasonable to support a higher public subsidy to enable the creation of housing serving lower income groups.
6. Show that the proposal is supported by housing agencies such as the Newton Housing Partnership, leverages (or is not otherwise eligible for) other public funds, and could not otherwise be economically feasible without CPA funds.
7. Avoid displacement of current residents.
8. Work in conjunction with other City funding mechanisms and build on existing programs, such as the First Time Homebuyer Program.
9. Reuse previously developed sites (including, remediated brownfields sites) for community housing to expand existing housing resources.

*City of Newton
Community Preservation Funding Guidelines*

Historic Resources

Background

Newton is rich in historic resources including buildings, structures, landscapes, and archaeological sites. The city has architectural treasures from 17th century farmhouses to 20th century Gropius designs; from stately Federal Colonials to 19th century Queen Anne Victorians and municipal buildings from the 1920s; from Arts and Crafts bungalows inspired by Frank Lloyd Wright to classic steeple churches and New England Cape Cod homes. Significant engineering achievements can be seen in the city's historic structures as well as human occupation thousands of years ago in our archaeological sites. More than 3,300 properties in Newton are listed on the National Register of Historic Places. Surveys, conducted by the City of Newton, have identified over 7,000 historic properties and areas. These survey forms are on file with the Massachusetts Historical Commission and at the Newton History Museum (run as a public-private partnership between the City and the Newton Historical Society).

Resources

The Community Preservation Act authorizes the CPC to make recommendations “for the acquisition and preservation of historic resources.” The act defines historic resources 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.”

Until now, the principal tools available to the City to protect historic resources have been local historic districts, the Landmark Ordinance, and the Demolition Review Ordinance largely protecting buildings and structures.

Four local historic districts have been created under MGL Chapter 40C. These districts seek to promote the “educational, cultural, economic and general welfare of the public through the preservation and protection” of historically significant properties in identified areas of local neighborhoods. Commissions for the Chestnut Hill, Upper Falls, Newtonville, and Auburndale Local Historic Districts meet regularly to review requests to alter exterior architectural features of properties within their jurisdiction.

Under the Landmarks Ordinance of 1993, the Newton Historical Commission has designated seventeen properties as local landmarks. Landmarking protects an individual property from demolition and exterior alterations, much as a local historic district protects all properties within its boundaries.

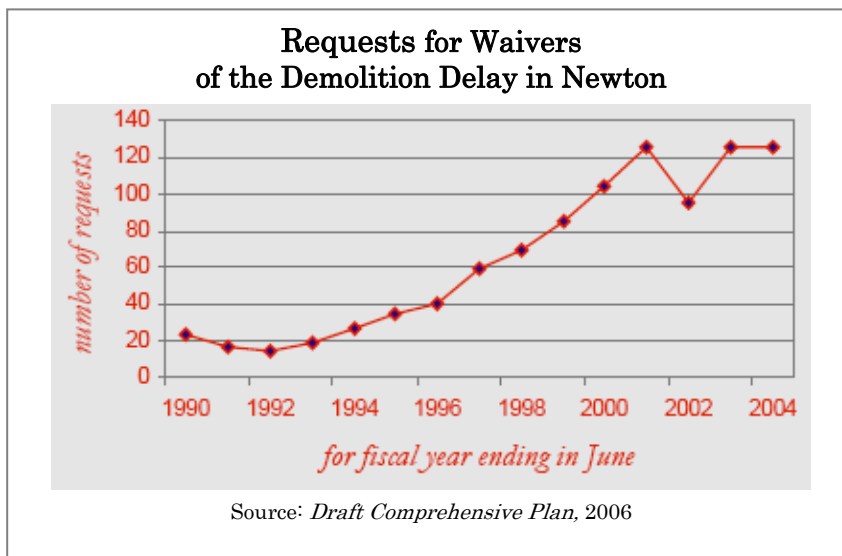
The Demolition Delay Ordinance was passed in 1985 and is administered by the Newton Historical Commission. The seven-member commission meets monthly and reviews requests for demolition of buildings / structures that are older than 50 years. The commission must determine first, whether the property is "historic," that is, whether it has architectural, cultural, or other historical significance, and if so, whether it should be "preferably preserved" because its demolition or alteration would be detrimental to the historic fabric of Newton. If a property is determined to be "historic" and "preferably preserved," the commission may impose a one-year demolition delay on the building / structure. The demolition delay may be waived if the homeowner or developer presents a plan to rebuild, replace, or alter the protected structure in a manner that is sensitive to its historic character and the neighborhood context.

Finally, the Newton History Museum at the Jackson Homestead is a guiding force in creating and maintaining public awareness of the need to preserve Newton's historic resources.

Needs

Historic properties in Newton are threatened for several reasons. First, continuing strong financial pressure makes it difficult for City government to preserve and upgrade the historic buildings, historic markers, historic sites, historic landmarks, historic burial grounds, and all sorts of public historic features that make Newton such an extraordinary place. Limited funds and other priorities have impeded the City's ability to adequately protect its own historic sites.

Second, market pressures often work against historic preservation. Where historic properties sit on large lots, the value of the land unencumbered by buildings can be greater than the value with the buildings in place. In addition, conversion of religious institutions to housing or commercial use can result in the loss of historic resources. There may be a need for public funds to counteract these unintended negative consequences of our market economy.



Individuals are often simply not aware of the important historic and architectural characteristics of their properties. Owners unaware of the historic importance of turrets, gables, and porches to the community often request permission to demolish these features, or to replace distinctive wooden clapboards, shingles and windows with vinyl cladding or other materials that do not respect the original architecture. In existing and potential historic districts, residents are often not fully

aware which features are covered by existing preservation regulations and ordinances. While the Newton History Museum and Newton Historical Society make important contributions to public education about these issues, we know their funding is limited. There is a significant need for more public education about the purposes, available tools, and impacts of historic preservation.

Finally, age, deterioration, neglect, and misuse threaten historic properties in Newton. The City itself owns some historic structures and landscapes in dire need of restoration or preservation.

In addition, the City has had no way to intervene when developers wait out the demolition delays imposed by the Historical Commission and proceed to demolish irreplaceable historic resources. The Newton Historical Commission is often presented with inspection and engineering reports purporting to show that a particular historic property is simply "beyond repair" and must be torn down. In some cases, a property may be in serious jeopardy, but often the commission requests more information and encourages renovation. Its jurisdiction, however, extends for just one year. There is a need, therefore, for a funding source to provide a bridge between restoration and tear down, to create an incentive for developers not to demolish.

Many mechanisms to meet this need have been discussed, and various situations may call for different interventions. The Community Preservation Fund can assist in the preservation of these significant historic properties, in both public and private ownership.

Possibilities

The CPC in its first six years grappled with the appropriateness of using public funds for property that is in private hands, even if the owner of that property is a nonprofit organization or other institution that provides services beneficial to the public. In 2007, the CPC recommended a major investment of CPA funds for just such a project: the 1732 Durant-Kenrick Homestead. The Avery family, descended from the Durants, restored and maintained this property for many decades as an unusually fine example of 18th-century architecture and the site of important developments in the political, economic, and landscape history of Newton, Massachusetts, and New England. The family will now donate the property to the private Newton Historical Society, which can accept the donation only because CPA funds will allow the Society to rehabilitate the property for use by the public as an active history museum and education center.

This project illustrates the very high standard to which the committee intends to hold privately held properties when recommending them for historic preservation funding. The CPC has developed the following guidelines to aid in making such decisions in the future. The committee is not required to apply all or even a few of these guidelines to any one particular project, but rather will consider them within the context of the entire application.

Guidelines for Evaluating Proposals to Preserve, Restore or Rehabilitate Privately Owned Historic Properties in the City of Newton

Architectural Significance

- Is the architect notable?
- Is the architectural style distinctive?
- Does the property fit in and contribute to the architectural context of the neighborhood?
- Are there other important architectural features?

Historical/Cultural/Social Significance

- Is the resource on the National Register of Historic Places or the State Historic Register? Is the resource located in a National Register Historic District or a Local Historic District?
- Has it been landmarked by the City of Newton?
- Has it been designated Historic and Preferably Preserved by the Newton Historical Commission?
- Has a survey form been done on the property? If so, what is the level of historical significance attached to the property?
- What role does this resource play in Newton's social or cultural history?

Ownership and Financing

- Who owns the resource? Is ownership likely to change hands? Is ownership nonprofit, religious, private, etc.?
- What are the financial and management capabilities of the owners?
- Is there a demonstrated financial need for this project?
- What other funds will support this project?

Level of Protection

- Is the building protected by a preservation easement or equivalent?
- How will a CPA expenditure be protected in the future?
- What is the potential for loss or destruction of the property?
- Is the applicant willing to accept appropriate historic restrictions?

Necessity and Appropriateness

- Are proposed materials consistent with historic renovation?
- Do building techniques conform to the historic nature of the project?
- Does the proposed work cover essential and important features of the property?

(Guidelines continue on next page →)

Public Benefit

- To what extent does the public benefit from the historic preservation project?
- Do the owners of the building offer public service or community oriented activities to Newton residents?
- To what extent will the public have access to the building in its entirety and/or the restored portions of the resource?

Public Support

- What is the level of public support for this project from users, neighbors, professionals, and community leaders?

Goals

The CPC, in consultation with the Newton Historical Commission, the Newton Historical Society, and other organizations, has identified the following historic preservation goals. Proposals brought before the committee may receive preference for funding if they accomplish some or all of these goals (this list is not in priority order):

1. Support the preservation and/or restoration of municipally owned resources that are on the National or State Historic Registers, or that have been landmarked, found to be “preferably preserved” or historically significant by the Newton Historical Commission.
2. Support the preservation and restoration of privately owned properties that are on the National or State Historic Registers or that have been landmarked, found to be “preferably preserved or historically significant by the Newton Historical Commission.
3. Encourage protection of resources that retain their historic integrity, in terms of location, context, design, style, workmanship, and materials.
4. Enable access to the resource by the public, including access by disabled residents.
5. Support the objectives and priorities of local historic preservation organizations, such as the Newton Historical Society, the Newton History Museum, local historic districts, and other such organizations within the City of Newton.
6. Continue survey and planning efforts to identify, document, and protect historic resources before they come under threat of change.

City of Newton Community Preservation Plan Funding Guidelines

Open Space

Background

Open space makes a community more livable. These undeveloped areas are places for us to experience solitude and a connection with the natural environment. They stand in contrast to the bustle of our commercial centers. Market studies indicate that open space increases the value of abutting and nearby residences. Communities with a high proportion of open space generally have higher property values than dense urban neighborhoods without parks. Open space, once acquired for the public domain, costs relatively little to maintain, involving occasional dead tree removal, trail maintenance, and observation for encroachment by abutters. Open space was once the state of all Newton's land. The open spaces we maintain in protected wetlands, conservation areas, and parks constitute our natural environmental legacy.

Newton is a nearly fully developed suburb. Through the mid-20th century, much of the City's open space was acquired by the Parks and Recreation Department and its predecessor organizations. In recent decades, the Conservation Commission has actively acquired wetlands and other sensitive areas for conservation. Some open spaces, like golf clubs and cemeteries, are privately owned. Some are protected under the state's Wetlands Protection Act and Rivers Act.

About 20% of Newton's land area is open. Approximately 55% of that open area was in public ownership as of 2003, with the balance in privately owned golf courses, cemeteries, institutional holdings, and other privately owned parcels. Open space is unevenly distributed throughout the City, with some sections (particularly Nonantum and Newton Corner) less well served than others. Newton is fortunate that much of its border is formed by the Charles River, which, together with adjacent riverfront land, forms an important natural corridor. Nevertheless, development pressures and the need for housing continue to compete with open space. Protection of currently private open space through acquisition and conservation easements remains a primary goal.

Resources

Open space is defined by the CPA to "include, but not be limited to ... aquifers and recharge areas, watershed land, grasslands, fields, forest land, ... wetlands, ... river, stream, lake, and pond frontage, beaches, ... land to protect scenic vistas, land for wildlife or nature preserve and land for recreational use." In general, open space in this context is considered land that is maintained in a natural state and available to be used for passive recreation or for protection of wildlife habitat. Land that is intended primarily for active and passive recreation and that will be modified for such use is discussed in the recreation section.

Newton's open space resources (excluding land for recreation) may be inventoried as follows:

- Charles River and riverfront land, as well as other water bodies (including Hammond Pond, Bullough's Pond, and Crystal Lake), brooks and streams (including Cheesecake Brook, Saw Mill Brook, and Laundry Brook) and their bordering lands
- Wetlands and vernal pools
- Natural corridors that connect larger open spaces
- Small undeveloped parcels that remain in a natural state
- Vista parcels and parcels with significant geologic formations, including rock outcrops
- City- and state-owned (DCR) open space land that is not used for active recreation
- Undeveloped institutional and privately-held land

Since the early 1980s, the City has been unable to set aside funds for acquisition of open space because of the constraints of Proposition 2½. Very few open space parcels have been added since that time following two decades during which more than 200 acres were preserved.

The high cost of land in Newton combined with the relative lack of significant open space parcels makes the City an unattractive candidate for private open space funds. Each dollar can purchase or protect more acres in less-urban areas, so groups like the Trust for Public Land, Massachusetts Audubon, and The Trustees of Reservations often spend their money elsewhere.

Bequests, which have brought significant parcels to the City in the past, are also less likely in our era because high values have made land very often the primary asset in the estates of those who might have considered donating portions of their property in the past.

Various organizations are active in the protection and management of open space in Newton. The Newton Conservation Commission manages 267 acres of conservation land. The City’s Parks and Recreation Department manages 552 acres that include woodlands and wetlands (as at Cold Spring Park, Edmands Park, and Auburndale Park) as well as playing fields and other facilities for active recreation. The Newton Department of Public Works continues to hold some open parcels, such as the side slopes of the Rumford Avenue Landfill. The State Department of Conservation and Recreation has large holdings along the Charles River and has been active recently in improving access along Newton’s north side, with a walking and jogging trail. The DCR also oversees a large conservation area that extends west from Hammond Pond.

The Newton Conservators is a private, nonprofit land trust that is active in seeking gifts and acquisitions of open space and that has advocated open space protection, along with the Charles River Watershed Association and other nonprofits. Green Decade Coalition/Newton is an advocate for non-chemical land management. Various “friends” groups provide support, maintenance, and advocacy for specific open spaces within their neighborhoods. A few of these have succeeded recently in obtaining grants for needed site work - at Hammond Pond, Houghton Garden, Albemarle Park, and Dolan Pond.

Ownership & Uses of Newton's Open Space

Category	Acres	% of Total Open Space
PRIVATELY OWNED	1,043.55	44.7
Primarily Vacant	231.05	9.9
Cemeteries	114.56	4.9
Golf Courses	545.60	23.4
Tax Exempt Land	152.34	6.5
PUBLICLY OWNED	1,291.43	55.3
City vacant – general control	94.45	4.0
Parks & Recreation	552.79	23.7
School playgrounds etc.	97.97	4.2
Conservation	267.34	11.5
MDC	262.09	11.2
MWRA	16.79	0.7
TOTAL	2,334.98	100.00

Source: Open Space & Recreation Plan, 2003-07

Needs

The need for open space protection is greatest at locations that provide the most significant wildlife habitat, flood mitigation, ground water recharge, and other environmental "services." For residential use, the need is greatest where the City’s population is most concentrated and open space resources are lacking. In addition, certain of our ponds and waterways are in poor condition and require intervention to prevent further deterioration.

The City of Newton *Recreation and Open Space Plan 2003-07* outlines the conservation needs of the City. The CPC has carefully reviewed this needs assessment, concurs with its conclusions and

incorporates it by reference here as a useful outline of the City’s open space needs. In late summer 2007, Newton’s Planning and Development Department embarked on the research necessary to support the next edition of this plan, which the CPC anticipates will influence its priorities for fiscal 2009.

As the table above indicates, as of 2003 approximately 152 acres of institutionally owned land, 660 acres of golf courses and cemeteries, and 200 acres of privately held land remained in private ownership. These scarce, substantial parcels, including golf courses, are a high priority for protection, should the opportunity present itself. Little private land in Newton is zoned strictly for use as open space, so most of these open parcels could be developed "by right" if a new private owner wished to do so. Smaller parcels adjacent to significant existing open space or standing alone in underserved neighborhoods represent another priority. We will need to weigh carefully and act expeditiously to preserve our options to protect these treasures if the time comes.

Possibilities

The CPC has reviewed the City of Newton *Recreation and Open Space Plan 2003-07* and adopted it as a guide for its recommendations for potential CPA funding of open space projects. This plan's focused "action plan" and inventory of important parcels have guided open space acquisition and planning in the City for the past several years. When any of these parcels become available, proponents could use CPA funds along with other sources to acquire them or protect them from development through conservation restrictions (easements). Acquisition of parcels listed in the "action plan" depends on owners' willingness to negotiate (with the alternative possibility, in the case of seriously threatened properties, of eminent domain). The CPC reserves the right to consider additional projects not anticipated in this plan, if they meet the goals and priorities of the CPA.

The CPC would also be interested in projects where previously developed land could be converted or restored to open space.

In the case of particularly significant parcels, proponents might also use CPA funds to obtain rights of first refusal to purchase the land if the current owners ever wish to sell. Further possibilities include using CPA funds to create fields and improve habitat in wooded locations, to install trails and observation decks, and to otherwise upgrade existing holdings. Studies conducted by John Richardson for the Conservation Commission outline possible projects of this kind.

Goals

The CPC, in consultation with the Newton Conservation Commission, the Newton Conservators, and other organizations, has identified the following open space goals. Proposals brought before the CPC may receive preference for funding if they accomplish some or all of these goals (this list is not in priority order):

1. Provide protection (through fee simple acquisition, easement, or deed restriction) for land listed in the *Recreation and Open Space Plan*.
2. Expand existing open spaces.
3. Enhance biodiversity or wildlife habitat and reclaim natural resources.
4. Protect wetlands, mitigate flooding, and improve groundwater recharge.
5. Create small pocket parks, particularly in underserved neighborhoods.
6. Enable the development of passive recreation opportunities, such as walking, jogging, cross-country skiing or community gardening.
7. Serve as suitable sites for nature-related education, scientific study, or observation and enjoyment of nature.
8. Protect a natural feature of special interest, such as a vista or a geologic formation.
9. Enhance public access (where access does not seriously threaten habitat), including access for people with disabilities.
10. Provide linkages and wildlife corridors between open spaces.
11. Preserve and create linear open space as a resource for walking, bicycling, birding and other passive recreation activities as well as a safe and convenient link between parks, public transportation stops, and other destinations.

City of Newton
Community Preservation Funding Guidelines

Recreation Land

Background

Recreation contributes to the health and well-being of a community. Well-developed resources for recreation enhance quality of life, increase property values, and buffer the hard edges of the urban environment.

The City of Newton has a long tradition of providing outstanding recreation resources for its citizens. Our forebears left a legacy of parks and playgrounds broadly distributed throughout the City's neighborhoods.

The Parks and Recreation Department is widely recognized for the quality and variety of its recreation programs. This tradition continues with intensively used facilities that serve the very young, the very old, and all age groups in between. Sports leagues use athletic fields nine months of the year. During most of that time, demand exceeds supply. Less organized use of these facilities by community groups and neighbors is interwoven with scheduled league uses. Passive recreation, including jogging, walking, cycling, gardening, bird watching, and other activities is on the rise. It will be challenging to find ways for available resources to accommodate this full range of community interests.

Additional park space is needed for two reasons-

- ◆ to meet continued high demand for recreation resources
- ◆ and to improve management of resources currently owned by the city. Responsible stewardship requires that we rotate and rest intensively used athletic surfaces so that turf can periodically be rejuvenated. This enables established turf to live longer and reduces maintenance and replacement costs.

However, the opportunity to acquire and develop new land for recreation is limited because the City is largely built out.

Over the last 20 years two large existing recreation areas (Cold Spring and Nahanton Parks) have been improved using federal, state and local funds. Many existing parks and playgrounds have been renovated and made more usable through a combination of private (sports leagues) and public funds.

Given the City's age, a number of recreation areas have significant historic value. For example, the firm founded by Frederick Law Olmsted produced a design for the Newton Centre Playground. Edmands Park was the site of New Deal (Works Progress Administration) improvements in the 1930s. Irish and Italian immigrants worked on the two 19th-century aqueducts that thread across the City.

Resources

The Community Preservation Act defines recreational use as "active or passive recreational use, including, but not limited to the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field." The Act excludes such uses as stadiums and gymnasiums.

As noted in the Open Space section of this plan, approximately 20 percent of Newton's land area is currently open space. About 55 percent of this land is publicly owned, with most held by the City and the remainder held by the state (including the Department of Conservation and Recreation and the Massachusetts Water Resources Authority). Half of that publicly owned open space, or about 630 acres, is held by the Parks and Recreation Department, with a significant portion devoted primarily to active recreation. This includes playgrounds, athletic fields, school playgrounds, community

gardens, exercise and walking trails, picnic areas, tot lots, a municipal golf course, and other facilities. Other recreational facilities are under the control of the Newton School Department and include playing fields (maintained by Parks and Recreation). Private schools and colleges in Newton control playing fields as well, and golf courses are on both public and private land.

City land set aside for conservation totals 267 acres and DCR parkland totals 262 acres. Portions of these areas that are not sensitive because of their geology, hydrology, or wildlife are used for passive recreation, such as walking and bird watching. The 17 acres of land owned by the MWRA primarily consists of the Sudbury Aqueduct, which the state may declare surplus property and sell in the next few years. This area, combined with the Cochituate Aqueduct, connects parks and open spaces in the western and central sections of the City and, if acquired partly with CPA funds, could be developed as a linear park.

The City has a limited budget for maintenance of recreation properties and relies largely on youth sports leagues and various fees to augment funds for maintenance and renovation of facilities. The Little Leagues, along with the soccer leagues and the Newton Athletic Association, which runs the Pop Warner football program, have contributed to ongoing maintenance of the fields they play on, including aeration, fertilization, irrigation, and seeding. Some leagues also take direct responsibility, under supervision of the Parks and Recreation Department, for mowing and grooming fields. Newton parks also benefit from volunteer labor - residents often pick up litter that accumulates in parks. Neighborhood groups such as the Friends of Albemarle Park also take the initiative to improve the City's parks.

A small portion of proceeds from leasing the Newton Commonwealth Golf Course proceeds is earmarked each year for renovation of City parks and playgrounds. The only other sources of funding for capital projects in City parks are the City's consistently under funded capital budget, and increasingly limited or unavailable state and federal CDBG (Community Development Block Grant) funds for acquisition, preservation, and restoration of land for recreation. This lack of resources limits the City's ability to meet the rising recreation needs of the community.

CPA funds may not be used for routine maintenance of parkland or other public resources, even if other work with those resources is fundable under the CPA. As of fall 2008, the courts have clarified the constraints on using CP funds for the "creation" of recreation land:

[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).

Activities other than "creation" are fundable under the CPA for recreation land, as for several of the other fundable resources. Projects to preserve parks and playgrounds from harm could be eligible for funding, and proposals to restore or rehabilitate genuinely historic parks and playgrounds could be eligible under "historic resources."

Needs

As noted above, the two primary needs associated with recreational land in Newton are related to increased use: a rising demand for facilities, and the need to provide periodic relief so all facilities can recover and continue to serve the community's needs.

Rising demand is driven by several factors, among which are the growth of sports opportunities for girls and women, the increasing popularity of organized leagues for youth and adults, widespread recognition of the benefits of exercise for health and fitness, and the generalized need for relaxation as a response to the frantic pace of modern life. Together, these factors have steadily pushed the limits of existing space dedicated to recreation. Available facilities are fully scheduled. The Parks and Recreation Commission recently adopted a ranking system for determining which groups receive preference. These resource limits mean that some deserving citizens are not permitted to use the City's parks and playgrounds.

The City of Newton adopted a comprehensive Integrated Pest Management (IPM) policy in 1997 to guide the maintenance of all City landscapes. Sound horticultural practices improve the health of turf and other landscape plants. This, in turn, reduces the need for use of harmful chemical pesticides and cuts maintenance costs over time.

One essential IPM practice is periodic rest and rotation of fields to allow recovery from intensive use. Realistically, this is only possible if some fields can be taken off line for a season. Currently, space is so tight that this practice is difficult to implement. As a result, our playing fields are overused and increasingly depleted, contributing to maintenance costs that are ultimately higher than would otherwise be the case.

Possibilities

The City of Newton *Recreation and Open Space Plan 2003-2007* lays out a specific plan for acquisition, preservation, and restoration of land for recreation. The CPC has reviewed this document and adopted it as a template for its actions and recommendations for potential projects involving land for recreation. The CPC reserves the right to consider additional projects not anticipated in the City of Newton *Recreation and Open Space Plan 2003-2007* if they meet the goals and priorities of the CPA.

Goals

The CPC, in consultation with the Newton Parks and Recreation Commission, the Newton Conservators, and other organizations, has identified the following recreation goals. Proposals brought before the committee may receive preference for funding if they accomplish some or all of these goals (this list is not in priority order):

1. Address the needs targeted in the City of Newton *Recreation and Open Space Plan 2003-2007* and priorities as identified by the Parks and Recreation Department and Commission, and take advantage of other opportunities to meet the recreation needs of the residents of the City.
2. Demonstrate that the proposal is planned with consideration for the current and future needs and vision of the park/recreation facility.
3. Meet the recreation needs of the greatest number of residents possible. This means that when faced with a decision between two or more projects, all other factors being equal, the one that serves the largest number of residents will be selected for consideration.
4. Meet the greatest variety of recreation needs possible. Finding ways to balance the range of recreational opportunities and serve the diverse recreation needs of the community is a priority of the CPC. The committee will favor projects that provide multiple recreation opportunities in a given location.
5. Serve passive as well as active uses. As always, the committee encourages proposals that combine fundable resources. For example, many of the city's parks border or include wetlands and water bodies. Ideally, proposals for the preservation of these spaces should address both ecological and recreational goals.
6. Preserve sight lines consistent with open space. In general, this means that fences, landscape plantings and structures, when necessary, should be carefully placed and limited. Decisions about scale and placement should be made with the objective of enhancing or enabling open views.
7. Access for disabled residents should be included in plans wherever possible.



City of Newton Community Preservation Funding Guidelines

Members of Newton's Community Preservation Committee

CHAIR Joyce Moss Joyce is the representative from the Planning and Development Board. She is an urban planner specializing in municipal economic development and downtown revitalization. She is employed by the Town of Needham. She also served as a member of the Framework Planning Committee for the City of Newton and now serves on the Comprehensive Planning Advisory Committee.

VICE CHAIR Kenneth Kimmell Ken is the representative from Wards 7 and 8 for Open Space. He is currently General Counsel for the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. Formerly, he was a principal at the Boston firm of Bernstein, Cushner, and Kimmell, PC, where his practice emphasized land use and environmental law and litigation. Ken graduated from Wesleyan University in 1982 and obtained his J.D. degree from UCLA School of Law in 1987.

Walter Bernheimer II Wally is the representative from the Newton Parks and Recreation Commission, on which he has served as the Ward 5 representative for more than 20 years. In real life, he is a management consultant, serving the Direct Marketing Industry. Having lived in Newton since 1946, he attended Newton Public schools, as did his 4 children. He has been active in many community activities, and served on many business and not-for-profit boards.

Zack Blake Zack is the representative from the Newton Historical Commission. He is a Project Manager & Financial Management Analyst for the Massachusetts Department of Revenue, Division of Local Services, a state agency that provides technical assistance and identifies best practices in the management of municipal finances for cities and towns.

Stephen P. Fauteux Steve is the representative from Wards 1 and 2 for Recreation. An attorney, Steve is the enforcement division chief for the State Ethics Commission, a state agency that enforces the conflict-of-interest law for state, county, and local officials.

Dan Green Dan is the representative from the Conservation Commission. He is a real estate developer specializing in creating environmentally sensitive communities of homes, which his company has built from Cape Cod through Coastal New Hampshire. Dan is currently working on bringing a green building program (Build Green Massachusetts) to Massachusetts to augment the state's offerings in addition to LEED. Dan has lived in Newton for almost forty years with a few years away for education and work. He is also active with The Newton Conservators.

Nancy Grissom Nancy is the representative from Wards 3 and 4 for historic preservation. Nancy is a Realtor® with Hammond Residential GMAC selling residential real estate. She serves on the Grievance Committee of the Greater Boston Real Estate Board. She also serves on the Newton Historical Commission, the Newtonville local historic district commission, and the Auburndale local historic district commission. Nancy is also the president of the Friends of the Newton Free Library.

Judith S. Jacobson Judy was chair of the CPC for fiscal 2008. She is the representative for Wards 5 and 6 for Community Housing. She is an attorney specializing in affordable housing and community development. Judy is the Deputy Director and General Counsel of the Mass Housing Partnership, a statewide quasi-public agency that provides financial and technical assistance to promote the development and preservation of affordable housing.

Thomas Turner Tom is the representative of the Newton Housing Authority, where he has been a commissioner for over 10 years. He is a retired Deputy Director of Railroad Operation at the MBTA. Tom also has experience with real estate development and renovation.

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