

## Board of Directors, 2002 – 2003

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President: Lucy Caldwell-Stair  
Vice-President: Eric Reenstierna  
Treasurer: Katherine Howard  
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James Broderick	Lalor Burdick
Bonnie Carter	Michael Clarke
Michael Collora	Carol Lee Corbett
Sheila Decter	Henry Finch
Jason Glasgow	Steven Gans
William Hagar	Frank Howard
Peter Kastner	Ted Kuklinski
Anne Pearson	Dan Perlman
John Regosin	

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Lisle Baker	Rodney Barker
John Bliss	Burton Elliott
Roger Feinstein	Thelma Fleishman
Bart Hague	Helen Heyn
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George Mansfield	Richard Primack
Frances Seasholes	William Shaevel
William Stevenson	Roger Swain
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## June 2002

Newton Conservators  
Meeting of June 26, 2002, 7:30 PM  
Newton City Hall Room 202

**Attendance:** Lucy Caldwell Stair (presiding), Margaret Albright, John Bliss, Mike Collora, Carol Lee Corbett, Doug Dickson, Henry Finch, Judy Hepburn, Helen Heyn, Katherine Howard, Anne Pearson, Eric Reenstierna, Jon Regosin

We began by welcoming new board members, Anne, Jon and Henry. All board members introduced themselves and their open space interests.

**Minutes.** Minutes to the April meeting were APPROVED. Helen Heyn wished to add to the discussion of the last meeting, saying that the Conservators have had a history of endorsing historic districts, specifically the Upper Falls Historic District, which was part of the 1967 Open Space Plan approved by the Board. Doug asked whether this support was in part an effort to preserve open space around some of the large older homes, and Helen concurred.

**Treasurer's Report.** Katherine gave copies of the current budget to new members. Few membership dues have been coming in, largely because we haven't done a membership mailing. So far we are behind in collected revenue. On the other hand spending has been low, e.g., grants have spent less than \$1000 so far this year.

We need to track how well our current method of tagging newsletters for overdue membership works, Doug added, saying that memberships carried for > 1 year ultimately represent a loss of revenue. When to do a new mailing will be on the agenda for the next meeting.

**Policy discussion: Our relation to the Community Preservation Committee (CPC).**

The Land Trust Committee (LTC) met on June 24 and are actively looking for land conservation projects. The CPC itself is not actively pursuing projects, so this is a void we can fill. The Historical Housing contingent will likely submit its projects mainly on an emergency basis. We would prefer to have non-emergency, targeted goals for land acquisition, but our task is more difficult than that of Affordable Housing, which can easily put forth projects to buy existing homes at market value and convert these to affordable housing.

The Wilmerdings just presented to us a possible opportunity. They are willing to sell their 30,000 sq. ft. piece of **land at the end of Elgin Rd., next to the Cohen Conservation Area** (Webster-Hammond Pond area) to an organization for preservation. The asking price is \$230,000 and the option extends to January (The parcel's value as developable land is around \$400,000). This property is already on the Open Space List, slated for acquisition, the City could become owner, and if it isn't bought one highly visible (i.e., on a hill) house could be built. One lot of the parcel currently has protection due to the Wilmerdings' recently donated Conservation Restriction. The Wilmerdings would like the Conservators to act as a 3rd party and hold a restriction after the sale. This would insure that the City could not develop the land at some later date. However it is not clear the City would go for this type of deal.

The LTC thought the project's size was a good one for the Newton Conservators, in terms of learning the job of being an intermediate agent for open space acquisition. However it involves sizeable upfront costs (appraisal and surveying costs, legal fees for review of the options agreement, title search and insurance, etc.) that we will not recoup if the CPC and/or Aldermen decided against the purchase. Thus, the Wilmerding Project is still

under discussion by the LTC, which will make a decision and make a recommendation by the July meeting.

Doug, who is on the CPC Board, said that CPC is planning to set up a staged review process, so that any projects put forth wouldn't accrue too many unneeded expenses. The CPC will soon have proposal request forms available, and acquisition packages could be submitted by groups like ours, the Conservation Commission, the City itself, or by individuals. The current plan (as of June 25) is to (1) issue proposal requests in mid-July, (2) have a mid-Oct. deadline for response, (3) do initial reviews and make preliminary decisions, and (4) do final recommendations late in 2002. This process will be repeated several times a year, and alternative measures will be used when quick-action is needed.

Judy noted that we could not meet the Wilmerdings' January, 2002 time frame, since a CPC recommendation must be finally approved by the Board of Alderman. Doug thought we will have to go back to Alex Wilmerding and let him know that the process will take longer than January. He also thought we should informally approach the Conservation Commission and ask them to cosponsor the project, which would put us in a stronger position with the CPC.

Regarding legal costs, Larry Burdick is planning to talk very soon to a land trust attorney on behalf of the LTC. He will discuss costs and time frame issues involved in the Wilmerding project. Jon volunteered to call attorneys he knows at the regional Nature Conservancy office for referrals on land trust lawyers. Lucy mentioned that our membership in the Land Trust Coalition also entitles us to 4 hours of free legal advice. Others suggested trying to find legal services pro bono or at a reduced rate. Margaret will approach a retiree she knows who has in the past reviewed options similar to the Wilmerdings' for the town of Weston.

Other possible projects were briefly discussed, including one that Mike Collora brought up. There is a house currently for sale adjacent to the **Waban Kettle Pond**. It has a large side lot, now occupied by a tennis court, that might possibly be separately purchased. Helen also mentioned a sizeable parcel of **land downstream from the Wilmerdings, owned by Alice Wilson**, all or part of which might be saved from additional development. The LTC confirmed that owner had already been approached, and Eric thought we might do so again after the Wilmerding Project.

By July the LTC will have made its recommendation on the project, the CPC proposal requests will be in circulation, and we will take up this topic again.

**Grants Committee:** Suddenly Bill Hagar, Grants Chair, will be in Canada for much of the year, and Carol Lee will serve as ad hoc Chair in his stead. The **Environmental Science Program** has made a grant request for a \$1000 for scholarship for summer, 2002. Mike made the MOTION to accept it, Judy SECONDED it and it PASSED unanimously.

**Part-time Administrator:** Doug proposed creating an ad hoc committee to study whether we should hire a part-time person for small administration tasks, e.g., record keeping, handling mail, and administering the mailing list. Our equivalent organization in Brookline pays a part-time worker for 10 hr/week, and Green Decade also has a similar staffer. The Committee would explore what other groups are doing, and concerns brought up in the subsequent discussion. These include: (1) adding paid staff also add fund-raising burdens, (2) someone or a subcommittee would be needed to supervise the staffer, and (3) might a 1-person business that does this kind of work for several groups could be found. Eric thought Presidents and ex-Presidents would make up the best committee, since they know the details of needed tasks. Doug is willing to serve on the committee but suggested Peter Kastner as Chair. John Bliss also volunteered. Others suggested for the Board include Bud Elliott and Bonnie Carter. Judy SECONDED Doug's motion and the new ad-hoc committee was created by unanimous VOTE.

**Other:** We need to check whether Peter Kastner will again put together **fall walks**. Katherine will take minutes for the next meeting, while Judy is abroad. There will be a July meeting (Room 202, July 24) but none in August. At the next meeting issues related to completing the **map brochure** in the fall will be discussed. Doug will get out his New Members Packets to this year's new board members.

Meeting adjourned at 9 PM

Judy Hepburn, Secretary

## **July, 2002**

### Newton Conservators Minutes of Directors Meeting July 24, 2002

**Present:** Jim Broderick, Lucy Caldwell-Stair (President), Carol Lee Corbett, Doug Dickson (Past President), Steve Gans, Bill Hagar, Frank Howard, Katherine Howard (Treasurer and taking minutes in Judy Hepburn's absence), Peter Kastner, Ted Kuklinski, Anne Pearson, and Eric Reenstierna (Vice President). Guest: Maria Termini

1. **Minutes.** The minutes of the July 26 meeting, although distributed via email, were not available at the meeting, so it was agreed to review/approve them at the next meeting (September 25). (Two corrections need to be made to those minutes: the spelling of "Elgin Street" and the reference to "Waban Kettle Pond.")
2. **CPC Funding Proposal.** Before discussing the specific proposal, the group had a general discussion about the appropriate relationship of Newton Conservators (NC) to the Community Preservation Committee (CPC), the group that carries out functions of the Community Preservation Act (CPA), and how best to promote NC conservation goals while minimizing the legal and financial risk to NC. Two NC directors, Eric Reenstierna and Doug Dickson, are also members of the CPC and gave their perspective on how the process will work: Proposals to the CPC for use of CPA funds can come from any source

(NC being an obvious one for conservation projects). The CPC makes funding recommendations to the City/Aldermen. Proposals that are well thought through, are not too controversial, and already have due diligence and legal issues worked through, are more likely to succeed in the process and get to the recommendation stage. The CPC is new and is developing its working relationships and processes, and would like its first projects to be successes that will set a good tone and be good models for future.

This discussion took place in the context of a specific proposal that has already been brought to the NC Directors. The Wilmerding family of **Elgin Street (next to Webster Conservation Area)** has asked NC to propose that CPA funds be used to purchase their adjoining 30,000 sq ft lot (currently permitted to have one house built,) for a bargain price of about \$230,000. This would then have a conservation restriction (C/R) protecting it and allowing it to extend the Webster Conservation Area. If NC agrees, the Wilmerdings will have their lawyer draft a formal option agreement (option to buy the property); the draft would be reviewed by NC/lawyers (see below) and if approved NC would enter into the option agreement. This step would strengthen the proposal to the CPC. If CPC/City approves the project for funding, the option would be assigned to the City. If funding is not approved the option would not be acted upon.

The Wilmerding proposal has the following advantages: it is a highly desirable lot already on the City's open space acquisition list because of its location next to the Webster area; it is a relatively small and inexpensive project; it is felt the price does constitute a bargain although this may need to be verified by an objective appraisal; and it already has considerable legal and appraisal work done so it would be a relatively simple project to proceed with. Furthermore, going forward with a proposal at this time will put conservation projects front and center for the October meeting of the CPC (its first meeting in which funding proposals will be discussed).

While supportive of obtaining CPC funds for this property, the NC Directors were also concerned about potentially having to pay up front for legal and appraisal work with no guarantee of reimbursement from the CPC/CPA funds if the proposal is not accepted (although reimbursement in such a situation has not been ruled out). It was felt there are things NC can do to limit the outlay to a reasonable amount (e.g. \$5K), such as by getting pro bono legal help. Other issues discussed were: whether this is the best project for a "model" case (it was felt that it is at least a very good and strong candidate); whether the City's Conservation Commission (CC) should do this instead of NC (it is not activist enough, but NC's action, and the possibility that NC will ask CC to become a joint sponsor, would spur CC on to do more projects); and who should own the C/R (presumably NC would own the C/R, and the City would own the land).

The Directors VOTED to have Eric Reenstierna tell the Wilmerdings of NC's intention to enter into an option agreement, subject to appropriate review and acceptance of the legal terms and conditions. NC will seek pro bono legal review of the agreement and hopes to have the legal review available for discussion at the September 25 NC Directors meeting.

The option agreement will be sent to all Directors via email.

3. **Exhibit at Jackson Homestead.** Doug Dickson reported that the NC exhibit at the Jackson Homestead is installed and ready for viewing. The exhibit has been extended through November 30. An announcement will run in the NC September newsletter and the Jackson Homestead newsletter. The group thanked Doug, Bud Elliott, Judy Hepburn, and Lucy Caldwell-Stair for their efforts on the exhibit. There are still a few items needed: (1) the list of projects in which NC has been instrumental over the years. To find this and other useful items, Peter Kastner will review the materials being stored at Carol Lee Corbett's house, and the materials being stored at Jackson Homestead; (2) literature for a display table at Jackson Homestead. The old/existing NC brochure will be used for now, but Lucy Caldwell-Stair will look into getting the brochure updated; and (3) a small table, ideally about 4 ft. wide and 2 ft. deep, for the NC display (please contact Doug Dickson).

The meeting was adjourned at 9:20 p.m.

Submitted by Katherine Howard August 5, 2002.

### **August, 2002**

No meeting scheduled for August, 2002.

### **September, 2002**

Newton Conservators  
Minutes of Directors Meeting  
September 25, 2002  
Newton City Hall, Room 202

**Attending:** Lucy Caldwell-Stair (President), Margaret Albright, Larry Burdick, Carol Lee Corbett, Doug Dickson (Past President), Henry Finch, Bill Hagar, Judy Hepburn, Katherine Howard, Ted Kuklinski, Dan Perlman, Anne Pearson, Eric Reenstierna.

**Minutes.** The minutes of the July meeting were read and ACCEPTED.

**Treasurer's Report.** Katherine passed out the Quarterly Financial Statement. We are far behind in collecting dues (in part because we didn't do an appeal this year). The question was raised whether memberships had gone down since our switch to using coded labels on the newsletters as membership renewal reminders. Many memberships were just recently up for renewal as of the most recent mailing, so it's hard to tell. Doug thought we should do a fall membership reminder in the next newsletter, which is slated for Nov. 5. Margaret said some groups affix an extra page that looked like an invoice on newsletters that are up for renewal. This procedure would save money over a special

mailing, and Lucy thought it was a good idea to try it. She suggested making it even easier to renew by attaching a pre-addressed envelope to the newsletter.

Katherine has begun looking into the Bread and Circus donation to non-profits, which recently funded the Green Decade Coalition and gives a % of receipts taken in during the promotional period to a specific local nonprofit. She had not heard back as of the September meeting.

**Land Trust Committee.** Eric got an option agreement on the **Wilmerding property at 180 Elgin Rd.**, which he sent to Lucy, and he received some pro bono legal advise from attorney and NC Board Advisor Bill Shaevel. Bill said it was a fairly basic document and he wanted only a few small changes. These included (1) pushing the option's date out a little, (2) assurance that there would be no liability or penalty if we do not exercise the option, (3) language about assigning the property to the City, and (4) a statement that the purpose of the purchase is purely as conservation land. It is now in the hands of the Wilmerdings' attorney to make his own revisions. After this we simply will need to sign the option and go after CPC funding, asking for \$235,000 (for the 30,000 sq. ft. property plus legal expenses).

In answer to a question posed by Katherine, Eric thought an appraisal wasn't needed since the price was reasonable for a single-family lot. Henry thought we should make sure this is indeed a buildable lot and volunteered to check zoning codes. Eric thought the remaining things to do included: (1) finding out why the original plan for 5 lots for this property had been reduced to three, and (2) authorize Lucy to sign the option (after correction of dates to make them more workable). He **MOVED** that we authorize our President to sign the option agreement as drafted by the attorney for the Wilmerdings, subject to approval by our attorney, and expend \$10 for this. The motion was **SECONDED** and **PASSED** unanimously.

Other potential acquisitions were discussed. Eric had pursued a meeting with Irene Forte, whose land adjoins **Dolan Pond**, and was referred to her nephew, an attorney. This property would likely command \$1.5 million on the open market, and it might be suitable for a mixture of preserved open space and development. Lucy thought we shouldn't so quickly give up on the idea of preserving the whole property.

Eric said we have a long list of properties we'd like the CPC to buy; the main thing standing in the way of progress is approaching the owners. He encouraged more Board members to get involved in this effort. The Land Trust Committee will send a list of the desired properties/owners to Board Members.

**Community Preservation Committee.** Doug announced that the CPC has drafted its guidelines, which are posted on the city's web site, and they are soliciting comments this month. The CPC wants to receive proposals in semiannual funding round, held in October and April, which will allow for comparisons of proposed projects. Provisions also call for taking proposals out of sequence if something sudden and opportunistic comes along. The CPC is now talking with the Board of Alderman to see how they will

together coordinate the processing of recommended proposals. The CPC has also asked for \$50,000 from its proceeds to (1) fund a part-time position to report to and work for the CPC Committee and to liaison with the Planning Dept., and (2) for on-going expenses, such as newspaper notices for public hearings. This is below the 5% allowed by the CPA for administrative costs.

The Wilmerding property would cost less than 10% of this year's projected funds, i.e., below the 10% minimally required to be spent on open space preservation.

**Map Project.** Judy passed out a status handout. Three maps remain to be totally drafted. About half of those already drafted need a little work, and especially some final checking and corrections, and she asked for (and got) volunteers from the Board. We still need expertise on how to turn maps into a booklet. Henry mentioned that his wife Pat Robinson, is a professional graphic designer and is now working on an aqueduct map. He will see if she's willing work on our project as well. It is hoped that we'll have a booklet out in time for the December holidays.

**Jackson Homestead exhibit.** Henry Finch and Ann Pearson are planning the reception for our Anniversary Exhibit on Sunday afternoon (Sep. 29), which will be free and open to the public. The event had been publicized in the Newton Tab and in our last newsletter. A few minor things have yet to be completed, such as the plan to have a table displaying both the original open space plan developed 35 years ago and the recent open space plan. We expect between 10-50 people at the reception, and refreshments will be provided.

**Lecture series.** Our fall lecture "Stone by Stone" by Robert Thorsen will be on the evening of Tuesday, Nov. 19, 7:00 PM, at the Newton Free Library. It is now an official Conservator-sponsored event, although it was a lecture the library was originally planning to hold anyway. Because of that the logistics are somewhat simpler this time around (e.g., we won't have to sell the speaker's book). "Vernal Pools" by board member Jon Regosin is tentatively planned for the spring lecture, and the date is already on the library calendar.

**By-laws issues.** Larry brought up concerns that our current By-laws present problems with our proposed mission of holding conservation restrictions. We ought to change some language on page 2, which states that if our organization liquidates, our real estate (which would include conservation restrictions) becomes property of the City. This creates the potential conflict of the city both owning a property and its conservation restriction. Larry said he will look at a couple of other organizations similar to ours and review their by-law wordings. In reviewing a copy of our By-Laws, he further noticed that the document is full of errors and typos.

Doug thought we should have a **By-Law Committee** to review our current bylaws. He MOTIONED to convene such a committee with Larry as Chair. The motion was SECONDED and PASSED without further discussion.



**Archives Committee established.** Peter Kastner has thumbed through several boxes of our stored material (in Carol Lee Corbett's basement) in order to pull material for our Jackson Homestead display. While doing so, he and Carol concluded that many of these materials are poorly stored for the long-term, and they thought an Archive Committee should be formalized. Carol MOTIONED for creation of this committee and requested a budget of \$200 for acid free cardboard storage boxes, etc. She and Peter are willing to serve on it. Doug ADDED to the proposal, calling also for an archive policy to be established. He then SECONDED the motion and it was APPROVED without further discussion.

The meeting was adjourned about 9:00 PM.

Judy Hepburn, Secretary

### **October, 2002**

Newton Conservators  
Minutes of Directors Meeting  
October 25, 2002  
Newton City Hall, Room 203

**Attending:** Lucy Caldwell-Stair (President), Larry Burdick, Carol Lee Corbett, Doug Dickson, Henry Finch, Judy Hepburn, Helen Heyn, Katherine Howard, Ted Kuklinski, Anne Pearson, Eric Reenstierna.

**Minutes:** The minutes of the July meeting were read and ACCEPTED with two corrections.

**Treasurer's Report:** Katherine passed out the September Quarterly Report. Membership revenue is way down compared to last year and also the budgeted amount. The May annual meeting was a little over budget, likely due to more free guests than usual. Grants for Powder House Hill and Hammond Pond are still on the books and still pending. Eric requested a status report on use of the signage money that we gave to the City, and Katherine said she'd ask Martha Horn about this. At least several new kiosks are up (e.g., two at Norumbega).

**Membership:** Katherine has obtained membership information from Jason Glasgow's data bank, copies of which were passed out to the Board, comparing this year with the previous year. In the next newsletter going to the 356 memberships that have expired we will be enclosing an appeal that will look like an invoice and will be the first thing seen. Jason is running a special set of address labels for that purpose. His recommendation was that we send an additional letter to the 171 who haven't paid within the last two years.

Lucy pointed out that coupling membership renewal notification with the newsletter may not be as effective as a direct mailing but it adds no cost. Helen suggested we should learn who on the list is elderly and on fixed income, for whom paying dues may be a

problem. She also thought our membership losses may be due to more organizations competing for the same constituency, e.g. Green Decade. Doug followed with a suggestion that we should look for patterns among the 171 seriously lapsed memberships, and he volunteered to start the process. Other suggestions made were: (1) Ted thought we should create a 2-year membership option, as some organizations now do, which he personally finds convenient. (2) Judy suggested an end-of-year personalized mailing to members regarding the tax deductibility of their 2002 gifts, dues, etc., which could also be part of a new appeal. Eric also liked this idea. (3) Larry pointed out that we need also to grow the membership, and the next newsletter will ask for volunteers to help out in this.

**Possible By-Law Changes Needed for Being a Land Trust**, Larry Burdick has reviewed the official copy of our current bylaws and discovered it did not have nearly the number of typos he'd thought last month. Brookline Land Trust is sending him a copy of their organization's bylaws, which he will review for suggested wording. Brookline's by-laws are modeled on those of similar organizations in Lincoln and Weston, and Anne has provided MA Audubon's wording.

Larry had earlier thought attaining actual land ownership would extinguish conservation restrictions held on the property, but he has since discovered this varies state-by-state. Doug suggested asking the Newton Law Dept. to check out MA's status on this. It is known that the city had both ownership and restriction on the Hahn Brook Conservation land, though the restriction may have ended when Fireman moved a few years ago. We need to check this with the Law Dept.

**Cultural Landscape**, Lucy recently received a mailing from the Institute for Cultural Landscape Studies at the Arnold Arboretum, which relates to our June discussion on whether to support constructing historical districts. She wondered if we should broaden our role to include links between open space preservation and historic preservation, i.e., the "feel" and streetscape of neighborhoods. Doug thought this a good and timely question, especially as we are currently reviewing our by-laws.

A special concern was voiced regarding the various lawns that have conservation restrictions (CRs), generally linked to special permits. An example of such a CR's is Ledgebrook on Nahanton St., which has 9 acres of CR lawn that was on the old Lacey Estate. Such CR lawns may be subject to subsequent encroachments (e.g., unsanctioned changes, planting too many trees) without anyone keeping abreast of the situation. There is also confusion regarding whether CRs are perpetual (the City's viewpoint) or whether they have a 30 year life (needing a 29th yr. reminder). Helen said that Chapter 184 CR's do not require renewal. There is a file folder at City Hall holding all Newton CRs and data on nature of their protection. Larry thought we should play a role helping the City monitor these CRs.

**Community Preservation Committee (CPC) & Elgin St. property**. We have signed the option on the Wilmerdings' Elgin St. property. Henry would like Martha Horn's evaluation of whether this property is buildable or not. The Conservation Commission

report says it is "probably buildable" but leaves some doubt. Eric said that the owners' appraisal and survey also says it is "probably buildable," but we (the Land Trust Subcommittee) will need to do due diligence. Larry and Lucy both opined that just because we hold an option we are not representing the stated sale value as the property's actual worth; this is the City's obligation to decide. Doug, however, thought we must still satisfy ourselves, as agent, that this is a good valuation and a good deal for the City. The land must be viewed in a new context, with purchase being considered vs. just CR. Henry will pursue this matter with Peter Brosnan, Mark Gilroy and Martha Horn, to see if the Carlisle "paper street" was filed and whether there is enough frontage on Elgin to make the lot buildable. Signing has set the clock running, but there should be time to find answers to these questions.

The first deadline for proposals is coming up, and the CPC will get \$4 - 5 million this year. There are several other projects being submitted, including some from the Mayor's Office, and City proposals will be high on the list.

Eric has recently had discussions on the status of the **Edison property**, a 9.2 acre parcel with wetland restrictions. Edison would like to sell it very soon. It is not developable until the Neponset Valley Sewer Project (Wayne St., under Vine St. and onto the East Edison parcel) is done (about 2 yrs). Eric thought there were possibilities for acquisition here.

**Programs - Fall Walks:** The Aqueduct bike ride was well received and had about 15 riders. There were about 10 on the Edmands Park walk, despite a rainy day. Ted thought we are missing opportunities for gaining new members on our walks and suggested a membership kit for walk leaders. We used to have this, and Doug suggested Publicity should have this responsibility (Margaret's committee).

**Winter Lecture Series:** The Nov. 19 lecture is "Stone by Stone" by Robert Thorsen, geologist from the Univ. of Connecticut. Lucy volunteered for the author's and membership table. We will make membership forms and the Geology of Newton booklet available (free). New England Mobile Book Fair will handle author's book sales this time. Judy agreed to introduce the author. Doug wondered if we should send out post card reminders about the lecture, as the next newsletter will come out just afterwards, but this was considered too expensive. Alternatively, it was held that (1) Jason should do an e-mail reminder to the approx. 100 members on his email list and (2) we should put in a final plug for the lecture in the Tab's environmental page.

Adjourned 9:00 PM.

Judy Hepburn, Secretary

**November-December, 2002**

The scheduled Dec. 11, 2002 meeting was cancelled on Dec. 10 by the President, who urged Board members instead to attend the Community Preservation Commission meeting in City Hall that same night.

### **January 2003**

Newton Conservators  
Minutes of Directors Meeting  
January 21, 2003, 7:30 PM  
Alliance Room, 1st Unitarian Church, West Newton

**Attending:** Lucy Caldwell-Stair (President), Margaret Albright, Stephanie Bacon, Larry Burdick, Bonnie Carter, Carol Lee Corbett, Doug Dickson, Henry Finch, Judy Hepburn, Bill Hagar, Katherine Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, Dan Perlman, Eric Reenstierna.

**Minutes:** October minutes were ACCEPTED with no changes.

**Annual meeting** A possible date will be May 21. Suggestions for **speaker** include Simone Auster, (Director of Emerald Necklace Conservancy); Rinata ? (head of Charles River Conservancy and Chestnut Hill resident), the author of "Reinventing the Charles River (but we had a similar topic last year). Dan Perlman also said that if needed he could dust off the lecture on Cold Springs that he gave in Korea last year. Peter thought we should select a speaker by next meeting, so as to maximize publicity out of it.

For **Environmentalist of Year**, one suggestion was Martha Horn and another Mike Clarke. Judy brought up that there had been discussion in previous years about giving this award to City employees, and we'd never yet done so. Larry thought we should solicit our membership for nominees, and Doug will ask for nominees in the upcoming newsletter.

**CPC Update.** Eric said the CPC has whittled 20 proposals down to 14, and again mentioned that input and guidance is welcome. Doug defended the quick action the CPC took on **Forte Park recreational funding** and thought 2-3 more projects will soon move forward, especially 3 involving affordable housing.

Lucy thought we should lobby that not all money so quickly go for the other two CPC sectors, but that some be saved for open space acquisition. Peter thought the CPC needed a stronger sense of purpose for this, but was under pressure from the City to do things now and not tie up money on big projects like Kessler Woods, which would lock up CPA funds for a very long time. Other Board members countered that doing the "big project" like Kessler Woods was what voters really wanted in passing the CPA, not lots of small projects. Eric pointed out how hard this is to do. The city has eminent domain power for Kessler Woods but is reluctant to monopolize the CPA money just for open space. He added that the mayor isn't interested in submitting a bid without a specific proposal, and he thought there needed to be a multiple land use concept for Kessler. Margaret

recommended dealing with a "green developer" and she thought Audubon, Trust for Public Land, etc. might suggest potential conservation buyers. Henry will also put out feelers via email with architect groups. Lucy thought we should prioritize the South Parcel for open space acquisition. The Trust for Public Land was mentioned as a group who might be able to step in quickly, and ultimately would sell to a conservation group, but they would act only if they saw commitment and money from the City and local residents.

FINAL ACTION: (1) Margaret will contact other conservancy groups to find out what they can do and suggest and (2) Peter will draft a letter to the Mayor (with cc to the CPC members and Conservation Commission) urging that substantial amounts of CPA funds be committed to **acquiring Kessler Woods**, and expressing that, if we cannot get the whole parcel, then our priority is to save the South Parcel for public open space.

Eric acknowledged Henry Finch for giving a great presentation on the **Elgin St. acquisition proposal** as the last CPC meeting. He thought our proposal would go through easily, but \$1000-\$2000 is now needed by the CPC for three appraisals, and we need to put it up. He was 99% certain the Conservators would get reimbursed. Eric made the MOTION to give up to \$2000 to the CPC for appraisals on the Elgin St. land, Carol SECONDED the motion, and it PASSED unanimously.

Bonnie was concerned about the timeline for declaring the **Sudbury Aqueduct** surplus. Peter said the city should go to the CRWA with plans for subsequent use and acceptance of maintenance responsibilities, but the Committee the Mayor had created for this purpose was never chaired and has not met. The subcommittee on the Open Space Committee also has not acted on the aqueducts. Peter said that when the new water tunnel opens, the standby status of the Sudbury Aqueduct will end, which is probably about 5 years away but we should find out.

Henry has been laying out loops for biking and running on the Aqueduct, connected by some street sections, and these are important toward insuring the aqueduct land remains open space once it is surplus. Wellesley, for example, has put up kiosks and made color-coded trails on their section of the Aqueduct. Judy thought we should publicize Henry's loops and trails in our newsletter. Henry already has thought of making an aqueduct brochure. This brochure might be something the Conservators could put out, after completing the new maps booklet.

**Treasurer's Report:** Katherine passed out the 2002 Year End Report. Expenses were below budget by \$13,000 (due to dropping most of our memberships except to Land Trust, fewer grant proposals, less rise in insurance than expected, and no money spent on membership development or publicity). But revenue was also 70% below budget, especially due to low membership renewals.

Doug said the new things we tried didn't work and we have to do what we've historically done to boost membership. Lucy said we need to do a mailing to the 200 people who haven't recently renewed, and to the 161 other who haven't paid in 2 years but still get the

newsletter. We will try another invoice as newsletter insert and follow it up with a mailing this spring. Total treasury loss about \$1800. Doug said we need a subcommittee for Membership Strategy, and Peter Kastner agreed to chair it. Katherine also passed out a **2003 Proposed Budget**, which we will review at our February meeting.

**Ordway Park**: Jim Broderick has been approached by an Ordway Park abutter (Joan Rosenberg) with a **proposal to establish an Ordway Park Maintenance Fund** with a capital goal of \$50,000. She would personally give \$10,000 if other neighbors matched this amount, and she herself would do this fund-raising. Lucy asked that the Ordway Committee (Jim Broderick & Frank Howard) take further a look into this. Peter thought that if the goal was close to being met, that we should also donate to the fund. However, at this point Jim simply wants the Board's endorsement to go ahead. Katherine would like to run the idea by Larry Burdick, as to our responsibilities and liabilities, but the Board overwhelming **AGREED** that we want the discussion to go forward.

Adjourned: 9:45 PM

Judy Hepburn, Secretary

### **February 2003**

Newton Conservators  
Meeting of February 26, 2003, 7:30 PM  
Newton City Hall, Room 222

**Present**: Lucy Caldwell-Stair (presiding), Jim Broderick, Larry Burdick, Mickael A. Collora, Carol Lee Corbett, Doug Dickson, Burton (Bud) Elliott, Judy Hepburn, Katherine Howard, Peter Kastner, Theodore Kuklinski, Anne Pearson, Dan Perlman, Jon Regosin, Eric Reenstierna

**Kessler Woods**: Lucy opened the meeting with the question "How can we advocate for Kessler Woods?" Eric thought we should pick and express a few key points that are really important to us. He then reviewed the process for the Board: a June 20 bid as one parcel, high bid wins, no contingencies, must pay full amount in cash 2 months later, and City can always take any land by eminent domain. Money will likely come from CPC and a developer who'd do something with part of the land, perhaps a few high priced lots, or perhaps working with affordable cluster housing.

An appraiser and land planner (Sasaki) has been hired by the CPC to look into the property and explore use, whether the 68 lots Nstar's land planners came in with are realistic, etc. A problem that has come up with the Elgin St. potential acquisition is that there's a law on the City's books that permits the City to acquire land at no more than 25% of assessed value. This may not apply to Kessler Woods, but it needs to be researched. One way around the 25% rule is to have someone other than the City front the bid.

At the moment the City is planning to go the auction route as currently set up and would bond future proceeds of the CPA. Larry questioned why the City couldn't go the eminent domain route at fair value, which might drop the price. Anne brought up Chapter 1031 as a deal maker: if Nstar were threatened with eminent domain by the City (even without follow through), Nstar wouldn't have to pay capital gains on the land. This could be used to work out a deal that is mutually beneficial. Also, the Newton Health Commissioner has already written an opinion that there shouldn't be any additional hook-ups to the sewer line in this part of the City.

It was AGREED upon that at this point we should simply advocate not proactively lobby, since a key time is in April (after our next Board meeting), when the City sends out an RFQ to begin to work with interested developers, and this will yield information for continued planning and what the City wants to see from a partner. While Jon thought we should begin lobbying now, Doug thought that a letter, putting in writing our wishes for Kessler Woods, sets us up better for lobbying later on, i.e., as situational "pressure points" come up, there will be things we can be either for or against. Realizing that the process might unfold quickly, Doug and Eric will assume the job of keeping Board members informed via email in a timely fashion. The April newsletter will be our opportunity to do what needs to be done via the NC membership, and we should know a lot more by then. At a minimum we'll want to lobby the Aldermen to accept CPC funds for purchase.

Bud asked if the CPC could be used to pay just interest on the Bond, but the 5 year limit on CPA (which might not get renewed) poses a constraint. While we'd like to see the whole parcel preserved as open space, Doug pointed out there are also practical and political considerations that may not make this saleable to the Aldermen. Affordable housing is definitely still on the table for Kessler, and Eric pointed out that if a good deal is made all around, the CPA will likely stay in business. Lucy commented that any developer interest in the parcel will have to deal one way or another with the City, and asked what the City had to offer to a developer. Several Board members answered that by working *with* the City the process goes faster and the developer isn't held up.

SUGGESTIONS FOR THE LETTER TO THE CITY on what the NC's wants: From Peter: We should start the letter with our desire to see the entire 42 acres preserved as open space. If this is not possible for any reason, then planning that can preserve the following is in order: (1) public access to some parts maintained, i.e., not just an open space restriction but public right to walk on linear paths, which should include the existing path linking Saw Mill Brook Cons. Area (South Parcel), plus a link to Bald Pate Meadow and to the ridge to that has a view (North Parcel), (2) protection of wetlands and Saw Mill Brook both before and after development and (3) a reminder that Tree Ordinance can play a role in preservation of woodlands here. Lucy added our desire to have a woodland street buffer as part of any development (similar to entrance to Wells Office Park). Also we should ask that Newton Conservators have a seat at the table on the Mayor's new committee to figure out how to save Kessler Woods.

Doug will write the letter within the next few days and include this request. Lucy will call the Mayor in advance of the letter's receipt asking for a representative on this committee. Jon will be the recommended candidate.

[Addendum: Doug has been told by the City's Legal Dept. that the correct spelling is "Kessler Woods" though it is widely known as Kessler.]

**Irene Forte land on Webster Park, adjacent to Dolan Pond.** Ted K. gave a presentation. Despite its small size (8 acres) Dolan Pond has much to offer in wildlife and botanical interest, and federal funding to West Newton Block Grant has provided recent improvements (boardwalk, handicap access, view platforms) to the tune of \$200,000 and these are nearly complete.

Irene's recent death at age 104 will put her home and 50,000 sq. ft. lot on Webster Park circle, adjacent to Dolan, up for sale. Much of this land is a side yard, an upland area treed by hemlocks and fronting onto Dolan, providing excellent views into a rather inaccessible low, wetland area of Dolan. Before her death, Irene had worried that someone someday would try to put a street through her land from Elm St. and had desired the land be preserved as is. Donald Forte, Irene's nephew and a Cambridge lawyer, is executor and has contacted Eric. It is clear that the heirs would like to see the City acquire the property and fulfill Irene's wishes, but wants market price as there were many health care costs in Irene's later years. At this stage we need to figure out what market price is.

The assessment is \$460,000, the family seems to be thinking around \$700,000 as a ballpark figure, but a townhouse developer might well be willing to go much higher. Doug wondered if we could do the Elgin St. approach: get the estate to subdivide house from lot(s), but Lucy thought that would be asking the Forte family to do a lot of legal work. The family would like to resolve sale of the property soon, but we're first in line.

Martha Horn will do a presentation tomorrow (27 Jan) to the Conservation Commission, which would potentially get support or co-sponsorship with the NCs. Doug also thought that, like Elgin St., our best chance was to work together. Ted pointed out that while the Forte house itself is newish (1920's vintage), Webster Park itself has much historical interest and is lined by small, quaint Victorians, all originally built by a private school. The Forte house needs modernization but is sound and is a great candidate for 1- or 2- units of affordable housing. Doug suggested that Ted talk to Josephine MacNeill of Can Do about this, appraise her interests and get her advice on funding this. He will also call Steve Gartrell of the City Planning Dept. and see if they have interest.

Though the CPC has postponed the regular April 1 round of proposals until October 1, not wishing to encourage new projects until Kessler Woods is resolved, proposals that have a deadline will still be considered and should be submitted. Doug thought we should send a letter to the CPC to alert them. He MOTIONED that the Newton Conservators proceed to put together a package for acquisition of the Forte land, similar to Elgin St., Larry SECONDED, and it was VOTED unanimously



Ted K. will write the letter to the CPC. He will also be our main representative to the Forte family.

**Annual meeting.** Wednesday, May 21, will be the date of our annual banquet. One possibility for a speaker is Karl Haglund, author of "Reinventing the Charles River" but the topic is similar to last year, and he likely will want an honorarium of \$300. Doug thought that much, especially as he's also given a chance to sell his book, and Judy said the fee shouldn't be a deterrent and historically we have sometimes paid speaker honorariums in this range. The other possible talk is NC's Dan Perlman on "The Power of One, the Power of Many" centered around Cold Spring Park. He said he do something significantly different from his NC lecture last year at the Library.

Lucy thought Dan's talk could work nicely into a theme of "Newton Conservation — Past, Present & Future," in light of recent new work at Houghton Garden and Dolan Pond, especially if Martha Horn were named Environmentalist of the Year. Doug suggested on this line Ted Kuklinski for the Charles Maynard Award for starting Biodiversity Day in Newton. Peter then made a MOTION that Martha Horn be 2002 **Environmentalist of Year**, the Chestnut Hill Garden Club (Nancy Avery as rep) get a special award for the Houghton Garden work, and that Ted Kuklinski receive the **Charles Maynard Award**. A short discussion followed and Ted said he'd prefer E.O. Wilson (but he's not a Newton resident) or at least someone else. Judy added two other possibilities: Elio Schaecter (Newton resident, internationally known mycologist) or Richard Primack. We then VOTED AFFIRMATIVE on Peter's originally motion. It was agreed to invite Haglund for next year's winter lecture series.

The **Nominating Committee** will be Peter Kastner and Jim Broderick (co-chairs) and Bud Elliott from our advisors.

**Map booklet + Membership.** Lucy announced that the map booklet is ready for the printers and could be out in probably about 4-5 weeks. It is designed for rack display or to be a self-mailer and has a printed-on-the-booklet price of \$7.95. Printing costs will be ± \$1 per booklet, depending on size of the print run, which we need now to resolve. A loose insert application to join the NCs could easily be added to copies meant for bookstore sale.

Judy thought all NC's not in arrears of their dues should be sent a booklet before it actually appears on the shelves. Another thought was that the booklet might be sent with a bill: a reminder to pay dues. This quickly led once again into another discussion of defining *who* is in arrears. Doug mentioned that in recent years, paying before Sept. meant your membership was for the current year, paying after Sept. meant membership for the rest of the year and the next. However, this year we've experimented with a computerized tracking of month-last-paid, so that everyone's membership is for a full year, starting different months. This has clearly has led to confusion and not worked. Judy pointed out that our By-Laws are very clear that membership is strictly for the calendar year (Jan. 2 - Jan. 2) and not paying for 6 months beyond that means

membership is ceased. There is also nothing about "before or after Sept." in the By-Laws. Judy suggested we either start following our By-Laws regarding membership or else have the new ad hoc By-Laws Review Committee suggest changes to be voted at this year's annual meeting.

Peter is assuming chair of the Membership Committee (this was not explicitly clear). We will hear from Peter next meeting on standardizing membership policy, and he will present targeted sample letters. He suggests we send out first class letters with return envelopes, so that we will better learn (via returned mail) who has moved, died, etc. Others on our mailing list are people who get free memberships due to their position as city politicians, municipal employees, etc. These are already flagged in Jason's data bank and will get letters informing them of their gratis membership status but encouraging them pay dues anyway or donate to NCs. Other specifiable groups will similarly get different, targeted letters. There was widespread CONSENSUS that this type of targeted, first class mailing must be adopted.

At this point discussion shifted back to maps. Lucy brought up wording that Judy had written (and Lucy had initially suggested we insert in these minutes), to the effect that while the authors of the map booklet freely give copyright to the Newton Conservators for the maps booklet, we wished to retain rights to the actual materials. Doug and Bud both thought this was rather late in the game to be bringing this up, long after Judy had agreed to draft the maps and said that any such wording would have to be first run by a lawyer for a legal opinion. Judy pointed out that the work she'd done had been originally a job that had been bid out for \$7000 (to MapWorks) and that those graphic artists would have done just for the maps and booklet, without any field checking. The main reason for retaining rights, Judy pointed out, was that many, many hours of work went into this project and she did not want the NC Board at this point or later simply to vote to post all the maps on our NC website without the author's say-so, when the avowed purpose is to raise funds via sale of the booklet. She pointed out that she had also asked for this initially, when first taking on the drafting project a year ago.

Peter then expressed his thought that a booklet should be given free to every Newton school child, to encourage love of the outdoors and encourage their parents to become NC members. To this Judy objected, suggesting a perhaps a small discount might be offered instead. Peter also thought it an excellent idea that NC's get a formal copyright on the map booklet, and said he already has the forms because of his own map making business.

There was general agreement (though not formally voted on) that Peter obtain a govt. copyright on the map booklet for the NCs and Lucy add the copyright symbol to the booklet. Peter also thought we should have a print run of 5500 map booklets, which will have a cost of around \$3300 (VOTED AFFIRMATIVE). It was also generally AGREED that we would not post the maps on the NC website, except perhaps for one sample map to be used to promote sales via the website. Judy pointed out that this provides no assurances for the future and that the NC's have had historically a short

memory, but that ownership and use of maps was a moot point since the working database for the maps resides in her computer and on her disks.

**Winter lecture series.** Jon Regosin will give the next Library lecture on Wednesday, March 19, entitled "Focus on the Vernal Pools of Newton." Anne volunteered to run our table, with information on joining the conservators. Ted suggested we also get some of the booklets to sell from the Vernal Pool Organization. Book sales in association with our lectures have generally been strong and we could donate any books that we have left over to schools, the Environmental Science Program, etc. It was VOTED that we buy 25 vernal pool booklets (\$100) and Ted will get them (\$4/copy to buy, sell for \$5),.

**NC Website.** We have had free hosting of our website ,but this has meant limited size (not big enough to post a newsletter for example) and advertising banners. We can link to the old site residing in Mike Clarke's site at BC, but Ted has no way now to update any material there. Ted proposed that we pay for a full-fledged website in order to get rid of ads and have sufficient space to post more material. This will cost \$6/mo (\$72/year). It was VOTED AFFIRMATIVE.

Meeting adjourned shortly after 10 PM.

Judy Hepburn, Secretary

### **March 2003**

Newton Conservators  
Meeting of March 26, 2003, 7:30 PM  
Newton City Hall, Room 202

**Present:** Lucy Caldwell-Stair, presiding; Jim Broderick, Larry Burdick, Michael Collora, Carol Lee Corbett, Doug Dickson, Judy Hepburn, Frank A. Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, Dan Perlman, Eric Reeinsterna, Jon Regosin.  
Guest: Corry Berkooz.

**Maps.** The new map booklets are just back from the printer, and a copy was given to each Board member at the start of the meeting.

**Annual Meeting.** Stephanie Bacon cannot do arrangements this year, so a lot of the tasks have fallen onto Lucy, who said she could use help. She passed around a sign-up sheet for volunteers to do various listed tasks.

**Minutes of January and February meetings.** The minutes of the last two meetings were APPROVED without correction, following Carol's motion & Larry's second.

**Ordway Park.** Corry Berkooz, landscape architect and former Board member, has been working with Jim Broderick on a plan, following the Board's January endorsement of a neighbor's proposed maintenance fund for Ordway Park. Mrs. Rosenberg, who proposed

raising the fund, is interested in turning it all over to the Conservators at the end. Larry Burdick has been consulted regarding liabilities and responsibilities. Corry has done a brief site analysis. She thought that the park was used mainly by the neighbors, and there were complaints about dog walkers not cleaning up. Doug thought the dog problem could be addressed by posting a small sign at the entry, along with a supply of bags. Judy commented that this would need to have a small footprint aesthetically, as Ordway is such a small park. Frank, who has been studying up on vest pocket parks in New York City, plans to spend time there as an observer on a day in May, taking down data on how the park is used, who uses it, dog issues, etc. Jim and Corry have also tagged some saplings for removal.

A major problem at Ordway Park is the need for greater definition along Grant Avenue, including the entrance there. Plantings, rather than a fence, is what Corry proposed, to universal agreement. Larry commented that the criteria for plantings should be native, low-maintenance, drought-tolerant, and ideally bird-friendly, which met with general consensus. Frank stressed the need to get the neighbors to help with maintenance. A fund-raising brochure (prospectus) will be created showing the proposed Ordway plan. There was general AGREEMENT to go ahead with the plan.

**Treasurer's Report.** Katherine sent \$2000 to the City Planning Office for the Elgin St. land appraisal. She also filed several annual forms: ADC (tax exempt status) also an IRS form required every 10 yrs. for non-profits with gross receipts of <\$25,000 who thus don't need to file 1090's (criteria we still meet, but close to the dollar limit). Form PC to the state (for public charities) will be filed in May. It was decided that we'll go over a budget plan in April, after tomorrow's (March 27) Membership committee meeting, which will assess its budget needs for 2003.

**Kessler Woods.** Eric reports: The route to acquiring Kessler Woods is gaining more definition. There's been activity, including a March 25 meeting of neighbors and abutters as to outright purchase of the property. The Trust for Public Land may now be interested in working with the City on Kessler too (whereas a few years ago they *declined* to be a partner). The State Self-Help Fund (\$500,000) is insufficient but might help some. There's a growing sense that the Aldermanic Board may be interested in a bond against the income stream, which the CPC now has to wrestle with. Lastly, an RFI is being released by the City this week, to see what partnerships with developers might ensue.

James DiNormandy was mentioned as a conservation developer (i.e., developing few but big, luxury lots), who has worked with Nature Conservancy in the past.

**Elgin Street acquisition.** After clearing two committees, new legal issues have come up, and there were objections as to (1) price and (2) public access to property. The option to buy fee simple title for \$1.00 can clear the legislative hurdle that requires the City to not pay more than 125% of appraised value for the land. But if Alex Wilmerding continues to hold the property he insists on having no liability, i.e., restricting public access. An alternative is that the Conservators become owners of the property (& any liability), since

we took out the option on the land. One question is whether the CPC can pay for something that the NC's would own, and the city's Legal Dept. is looking into it.

**Forte property next to Dolan Pond.** Ted and Eric have been working at structuring an agreement with Donald Forte (Irene's executor) on a price that he could be happy with as fair to the heirs. The higher the price went, the less could be preserved as open space, and the family would like to follow Irene Forte's wishes. The agreement is for \$1.1 million (fairly modest) and we'd need to come up with a \$10,000 down payment for a purchase & sales agreement (to be done within a few months). Then there would be an appraisal, and if the real estate was not worth \$1.1 million we could back out of the deal. Larry brought up hazardous waste issues that might also need separate appraisal, since Dolan Pond is an old fill area.

The real estate has three potential components: (1) Existing house, which could be cut off with a minimum lot size and marketed quickly (for  $\pm$  \$500,000) or made into affordable housing with 1 or more units. Several affordable housing groups show interest and would like a look around inside the house. (2) Land behind the house, which could be sold for 3 town houses, enough to recoup the entire \$1.1 price (assumes no CPC help), and (3) Strip of upland land adjacent to Dolan Pond, to remain as public open space.

Lucy expressed skepticism that a bank would give us a \$1.1 million loan, or even \$600,000 (land minus house). While all CPC funds may soon be tied up in Kessler Woods, the CPC does have money in the kitty that could allow us to hold property for a few months, while we divest of the house & 3 lots behind it -- or there could perhaps be a bank bridge loan (if we had already lined up to sell the house and lots). Peter Kastner was also uncomfortable with assuming the risk, and said that by working with a group like CanDo early and upfront we'd lower our risk. Ted is on the Board of Newton Community Center, which is in the process of getting a big loan, and he will try to get a realistic reading from them on the feasibility of our getting a loan.

Other options (45-day option, splitting parcel prior to sale, etc.) were discussed and quickly dismissed, because Eric pointed out that it is Donald Forte who insists on a simple, uncomplicated plan -- Purchase and Sales Agreement with refundable deposit -- so as to settle the estate quickly while being fair to the  $\pm$  20 heirs.

It was agreed that we should talk to Auburndale Cooperative Bank about acting as brokers for the 3 component deal, but that this is **Plan B**. **Plan A** is to go the CPC route and to save as much land as possible (ideally all but the existing house on a small lot).

In addition to the Kessler issue, other concerns on Plan A "working" were voiced: (1) Can the CPC act quickly enough? Doug said it can and has 5x already, but so far this has only held true for City initiated proposals and affordable housing -- certainly not Elgin St. (2) running up against the 125% rule again. If the City could formally purchase just the open land component of the property, there could be a way around it.

Eric MOTIONED that we approve the letter to Donald Forte as drafted, excluding language on bank financing, making the purchase contingent on CPC funding. Lucy thought the whole idea still needed more work first, and Eric WITHDREW the motion.

Peter MOTIONED that we hold a special Board Meeting in 2 weeks, devoted just to this issue, Larry SECONDED, and the motion PASSED. A meeting will be set up for Tuesday April 8, 7:30, place to be determined.

**Newsletter.** The April newsletter deadline is for next Friday (Apr. 4), and Doug needs as much information as possible on the annual meeting including Martha's bio (Peter), spring walks (Peter), recap on the vernal pool lecture (Ted-Jon).

**Dolan Pond.** May 3 is the Grand Opening Day, highlighting the recent work and new boardwalk.

**Grants.** Despite Martha Horn's intervention, the Environmental Science Program did not get back to Carol Corbett regarding Jesse Sayle's proposal (to host ESP on a Canada wilderness talk), It is not known if the current EPS is aware of this plan, so the proposal has been tabled pending more information.

Adjourned 9:15 PM.

Judy Hepburn, Secretary

### **April 2003 - Special Meeting**

Newton Conservators, Inc.  
Minutes of the Board  
Special Meeting - April 8, 2003  
City Hall, Room 223

**Present.** Eric Reenstierna (presiding), Judy Hepburn, Anne Pearson, Frank Howard, Ted Kuklinski, Carol Lee Corbett, Jon Regosin, Peter Kastner, Henry Finch, Katherine Howard.

**Announcements.** It was ascertained that a quorum was present. Eric announced that the Elgin St. land acquisition and Flowed Meadow proposals before the CPC and Aldermen had both been passed.

**Membership.** Judy made a MOTION, which was seconded and unanimously PASSED, that in addition to 2003 members, we send the new map booklet to the approx. 200 members who are in arrears of 2003 dues but are not considered lapsed according to our bylaws until June 1, 2003, in hope that this will spur renewals.

**Forte land acquisition plans.** Ted reports: He has checked with Newton South Co-op & Auburndale Co-op Banks, who are merging. The VP of loans was out sick, but he was

told that this is the kind of project they'd get involved in and they would do the kind of bridge loan we'd need. The attitude was actively positive. We'd have roughly a 3 month time frame, as of mid-April. Margaret Albright has also sent Ted information on the Fields Pond Foundation in Waltham, who also provide assistance for this kind of deal (i.e., temporary loans). To put us on the track of a Purchase and Sales agreement, for a price of \$1.1 million, we'd put down \$10,000. Then we'd go to both the bank & CPA. Eric said he thought the CPA could act in a 3 months' time frame, but this might not be possible too.

Carol Lee reported on a Friends of Dolan Pond meeting held last night (April 7). Comments had been made on the reasonable asking price, and the Shapiro family (neighbors) said they could live comfortably with 2 townhouses behind the existing Forte house.

For two townhouses, a special permit would be needed, though not for one. Jon conjectured that as a requirement for special permit, the City could get some of the open land next to Dolan for free as part of the permitting process, so he suggested we just let the parcel go through the regulatory process. However, Eric said the Aldermanic Board couldn't deny special permits because of their acquisition desires, and developers can assert their rights to a special permit.

Two Board members (Peter, Frank) hoped the land we want could be gained through conservation easement donated by the heirs, or perhaps donated with an endowment for maintenance, but it was general seen that there is no reason for the executor, acting for the heirs, to want to do that. The lower-than-maximum asking price is essentially already a donation to preserve open space (of approx. \$400,000), and if the land became the City's, it would be added to Dolan Pond and Conservation Comm.'s job to maintain; if ours, we have Ordway funds that could maintain this small parcel as well.

Discussion then focused on risk. Several (Peter, Henry, Jon) worried about sharp, sudden down-turns in real estate and thought that partners (e.g., Can Do, Newton Housing Authority, both of who have now been inside the Forte house) should enter into the agreement with us and mutually share some of the risk. We discussed what the risk was. For an uncollateralized loan, it's only the \$10,000, but the \$1.1 million loan itself is the real risk. In a worst case scenario - real estate plunges before we divest of house and townhouse lots - there's risk of corporate bankruptcy and we'd lose the land too. Ordway also was brought up: would we lose it, or would it revert to city? Judy asked whether, in a worst case scenario, might the CPC not buy the land from us, seeing it once again threatened, and Eric thought that possible.

Once we put the \$10,000 down, we can go to the CPC and/or start lining up a buyer for the house. There was a general consensus that the \$10,000 wasn't a hang-up (We'd given \$10,000 in the past to start the process of acquiring Nahanton Park).

Having done that, Jon asked, what do we do in the 90 days after the Purchase & Sales agreement? We'd apply to the CPC for 100% of the cost, saying we'll dispose of the

existing house to affordable housing group, and partner with Can-Do or Newton Housing Authority so as to retain as much open land as possible. Henry thought we should press these groups to give us a proposal ASAP. Both groups see a max. of 3 units added as townhouses, we were told.

It was generally agreed to simplify the draft letter to Donald Forte (lawyer and executor). "Less is more" and Mr. Forte did not need to know details of our planning options (Plan A: CPA process. Plan B, we spin off house & lots). Examples: (1) Remove wording about 50% land preservation & substitute preservation "to maximum extent economically possible", and (2) instead of "bridge financing with a community based bank" substitute "We would vigorously explore financing options."

Judy MOVED that Ted write this modified (simplified, shorter) letter to Donald Forte, which will be sent by Friday, agreeing to Purchase and Sales for \$1.1 with an offer of \$10,000 down. The motion was SECONDED and APPROVED. She then MOTIONED expenditure of the \$10,000, but WITHDREW it on realizing that the time-frame of our April 23 meeting could handle it.

Final thoughts. Henry and competent people he knows will look into the layout of the land with an architect/developer's eye for how one would divide up the property. Martha Horn has suggested developer Alan Green take a look (CEO of the Green Co., but a past fund raiser for Nahanton Park) as one who would informally but instantly tell us how he'd divide up the land, and we'll try to get him to view the property next week.

Judy Hepburn, Secretary

### April 2003

Newton Conservators, Inc.  
Minutes of the Board  
April 23, 2003  
First Unitarian Church, W. Newton

**Present.** Lucy Caldwell-Stair (presiding), Carol Lee Corbett, Larry Burdick, Henry Finch, Katherine Howard, Theodore Kuklinski, Jim Broderick, Doug Dickson, Eric Reenstierna, Margaret Albright, A. Peter Kastner, Frank A. Howard, Judy Hepburn

**Annual Meeting.** Lucy reports that it is well in hand, and the basic mailing (i.e., from our mailing list data base) is at the mailing house. Extra letters may go to special invitees, and we need names of such who are from Chestnut Hill Garden Club and Friends of Dolan Pond.

**Map Sales Committee.** A committee is being established to retail the new maps booklet, able to start in earnest in June, consisting of Lucy Caldwell-Stair, Frank Howard, Deborah Howard (advisor), and Anne Pearson. Thoughts are to sell in bookstores, bike



shops, Bread & Circus, get bulk buyers like realtors, etc. Margaret will talk to a friend who owns Newtonville Books about selling there.

**Secretary's Minutes.** The March and Special Meeting (Apr. 8) minutes were both APPROVED.

**Treasurer's Report.** Katherine passed out a 3 mo. report, through March 31. Year to date income is \$844, expenses are \$6,248, primarily high because of the Elgin St. appraisal fee (refundable by CPC) and one-time map booklet printing costs. The \$6500 from Newton Conservator day at Bread & Circus is not included.

The last (right-hand) column is the **proposed annual budget**, with everything at agreed on levels (except maps). We still have outstanding financial commitments to Hammond Pond (\$1000) and Powderhouse Hill (\$1500) projects. Doug MOVED to accept the budget, which was SECONDED and APPROVED.

**Audit Committee.** The 2002 audit will happen next Tuesday (Apr. 29) at Katherine's House. Doug MOVED, and it was seconded and PASSED that the audit committee be Larry Burdick, Jason Glasgow and Peter Kastner.

**Nominating Committee.** We are still one officer short (VP). 17 have accepted for the Board and 2-3 are still considering. As new members, Chris Crisitiello has accepted, as has Alex Wilmerding (who will not officially come onto the Board until the city has closed on acquiring Wilmerding's Elgin St. property). There are still 1-2 openings. Sheila Decter (leaving board) will try to recruit someone from Friends of Cabot Woods. Other suggestions to recruit include Dan Green and Duane Hillis.

**Membership Committee.** We have letters ready to go, and need mainly to redo the membership dues card to go with them. Peter will ask Pat Robinson to re-do it. First mailing, to abt. 300 paid-up members will be in a few days, and others soon after. Of the approx. 200 lapsed members, we expect 70-80% renewals.

For the long term, we need to redo the 4-panel brochure, either updating the past one, or making something anew and less wordy. Henry urged again that we ask his wife graphic designer Pat Robinson to help on this, as she likes working on green causes. Doug requested that he put Peter as Membership Chair in the newsletter, so as to direct membership inquiries directly to Peter, and that was agreeable.

Carol MOTIONED that we give a gift of a plant or something tangible to Pat Robinson at the annual banquet in appreciation for her work, as a non-Board member, on the maps booklet. Judy SECONDED the motion and it was APPROVED.

Final recommendations of the Membership Committee, which has met twice in the last month: (1) that we go back to the old formula, of a year-end renewal notice, followed up in the spring with a letter to those who did not renew. (2) The Committee also would like to use the newsletter to recognize efforts of individual members and directors (i.e., those

who make map booklet), and to publish a column of members and membership levels annually (Lowell Land Trust as model for this).

**Ordway Park.** Jim reports that the wording for a brochure has been roughed out, but graphics are still needed, and distribution method is still uncertain. Frank will monitor traffic and use of the park in his upcoming visits there. A soil testing kit has been purchased for use at Ordway. On June 2 there will be a reception at 77 Montvale (Joan Rosenberg's house) for purpose of getting donations for an Ordway Maintenance Fund. Lucy's suggestion of a sheet announcing this event at our annual meeting, by the door, was met with general APPROVAL.

**Grants Committee.** ESP has not responded to us on summer scholarships yet. The Committee has approved **Jesse Sayle's proposal** for \$765, to support two workshops on Cree Indians of James Bay (one for ESP), and Margaret MOVED, Frank SECONDED and it was unanimously APPROVED to fund it. Judy will email him as to who is to receive money, and to request that their be a report to us at the conclusion. Another proposal from Oak Hill School, was not approved by the Grants Committee.

**Land Trust Committee - General.** Eric expressed hopes that Ted, Larry and Henry will work together on this in the upcoming year, as he and Doug have conflicts because of their membership on CPA committee. An email from Martha Horn pointed out that the 4-acre property on Dudley Rd., in the middle of Kennard Park, owned by David Cosell may be foreclosed on, and the owner may be amenable to purchase of part of the property.

**Land Trust Committee - Forte land.** Ted sent a memo to all just before this meeting, with last detailed (filed with minutes). Donald Forte wants to move forward but had two concerns about our letter: (1) he does not want purchase & sale (P & S) conditional upon a later appraisal, but any appraisal be done first; and (2) he wants something more concrete on the time schedule.

**Planning:** Ted has met with Jennifer Goldson, CPA for city's Planning Dept., who laid out all the dates for us, and if our proposal comes in the very near future the earliest we could achieve CPA funding with a check in hand is August 4. An appraisal would need to be chartered by the CPC and put out to bid by J. Goldson. Ted proposed we allocated, similar to Elgin St., funding of up to \$3000 for the appraisal, which we could later get back by application to CPC. Doug thought we needed a larger \$10,000 contingency fund. Margaret MOVED, Carol SECONDED and it was PASSED that we expend up to \$3000 for the appraisal.

We also need to get an attorney to look over the P & S agreement, and Bill Shaevel was suggested for first choice, since he did pro bono work for us on the Elgin St. acquisition. Larry Burdick will contact Bill Shaevel. Margaret recommended only circulating the attorney's comments, not the entire P & S, to the Board via email.

Partnering: Newton Housing Authority (NHA) has shown extreme interest in working with us on the Forte project, more so than Can-Do, and Ted had a 2 hr. meeting with NHA head John Hacker. NHA would leverage approx. half million dollars. Politically we'd gain a lot of support if we went in with NHA as a partner. There is still \$1.5 million in the CPC fund and more will come in October (but perhaps for Kessler Woods then). What NHA needs from us is a letter (1) outlining the proposal, (2) showing Board support for the request, and (3) what is to be deeded to NHA.

Discussion: Doug asked if there were any other funds (e.g., Community Development) available for land acquisition, and thought that would make a stronger case before the CPC. Eric said an alternative would be to sell the house and the lot behind it and go the CPC for the difference, if a deal with NHA couldn't be done. He suggested we apply to the CPC for \$400,000 for the open space component, and get an agreement with NHA for \$700,000 to go separately before the CPC (or other source), but others (Doug, Ted) strongly recommended it was better that Conservators (with Conservation Commission) and NHA work together. Judy asked if Alan Green or other friendly architects or developers have been to look at the property yet, as planned at the special meeting, to give us a casual assessment of development possibilities; answer was no.

At 9:15 PM Lucy had to leave, and Eric presided.

Action: It became clear our next critical deadline was May 14, the next CPC meeting, and focus became on what we had to do to get a proposal in by then. Eric said CPC wouldn't act unless we had a document giving control of the property to us. A letter of intent was not enough, and we needed a P & S agreement by then.

Eric then MOTIONED that we authorize the President of the Newton Conservators to sign a Purchase & Sale consistent with the letter that had gone to Donald Forte, setting forth conditions of purchase and review by our attorney. Furthermore, that \$10,000 be made available, to be used as a deposit, refundable to us if the conditions of the P & S are not met. Frank SECONDED the motion, and it PASSED by a large margin.

A MOTION was then made by Ted that the Board of the Newton Conservators approved working with Newton Housing Authority on the Forte land acquisition, contingent on a memorandum of understanding to be later approved by the Board. Discussion followed. At Doug's suggestion a change will be made to the language of the NHA letter in one critical area, so as to now read: "The Newton Conservators and Newton Housing Authority will jointly explore other sources of funding to offset the cost of land acquisition and housing development." As modified, the motion was SECONDED by Katherine, and PASSED by a large margin. Ted will write this letter to the NHA.

Announcements. **Dolan Pond's formal opening of the new boardwalk** will be on May 3, and will include ice cream for the kids, and appearances by Rep. Barney Frank and Mayor Cohen. Newton Conservators are invited to set up a table (and sell memberships and map booklets).

Dedication of the new **handicapped extension to Florrie's path at Nahanton Park** will be at 10:30 AM on April 29. For any who plan to attend, meet at the entrance to Florrie's path (by Nature Center). Speakers will be Mayor Cohen, Fran Towle, and Jason Rosenberg of Mayor's Handicapped Committee.

Larry Burdick plans to get the ball rolling on structuring a **network to monitor individual conservation restriction**. (e.g., something like "Friends of Restriction" or "Adopt-A-Restriction" structure). Guidelines still to be worked out. Doug suggested something about this in the next newsletter.

9:35 adjournment.

Judy Hepburn  
Secretary