

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

Newton Conservators, Inc.
Minutes of the Board
June 25, 2003, 7:30 PM
Newton City Hall, Room 222

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Larry Burdick, Carol Lee Corbett, Modestino Criscitiello, Henry Finch, Duane Hillis, Katherine Howard, Ted Kuklinski, Anne Pearson, Beth Schroeder. Also present for a portion of the meeting: Cole Stanton and Anatol Zukerman.

Opening the meeting, new and continuing members introduced themselves. Next, Eric Reenstierna announced that he moving to Brookline and leaving the Conservation Commission and the Community Preservation Committee. However, he will continue as president of the Conservators, and be freer to represent us.

He announced that Cory Berkooz would like to return to the board. She is interested in managing land (similarly to what Jon Regosin is doing.) It was thought the nominating committee will do this, but the by-laws will be consulted. [The by-laws state that the board of directors may appoint a member.]

Environmental Science Program: Cole Stanton, advisor to the ESP, described the ESP and showed slides of participants over the years. He extolled the contribution of the Conservators' \$1000 scholarship, particularly this year, when enrolment is 19, below the break-even point of 22; this is in part because the recruitment mailing this year went out in March instead of January. He asked Conservators for nominations, even after the starting date of July 1. Tuition of \$975 will be prorated for latecomers. He may be reached at cole@fiberlock.com.

Will O'Brien: The board discussed possible ways to express our deep sympathy to Frank and Deborah Howard on the death of their grandson.

Flowed Meadow Proposal: Anatol Zukerman presented his proposal for

- 1) an entrance to the to the Flowed Meadow Conservation Area at Lexington Street, across from the Burr School,
- 2) adding the slope off the former dump to the conservation area
- 3) an observation platform; steep slope and methane gas pipes present a problem here..

He would like Conservator support for his \$74,000 grant request to the CPC for 2 bridges. He noted that the original consent order required a fence around the working path, and that this was never built.

Carol Corbett asked Zukerman if he would give an informational walk on a Saturday or Sunday some three weeks hence. He will contact board members about this.

Map Guide: Judy Hepburn would like clarification about who has the rights to her work in the guide. She made the maps as a labor of love to help the Conservators.

Observations included:

- Eric Reenstierna: an intellectual property lawyer would help clarify this; Duane Hillis offered to look into finding one pro bono..
- Larry Burdick: in future, we need clarity that all work be the property of the Conservators.
- Modestino Criscitiello: issue of a non-profit organization using items for fund raising?
- Margaret Albright suggested an article for Newton Magazine about Judy's work, and telling where the map is distributed.

Urban Forestry and Education Grant proposal – Regosin: Eric presented Jon Regosin's request that the Newton Conservators serve as the sponsoring organization and submit to the Massachusetts DEM his grant proposal to map and quantify the Norway maple invasion in Newton parks and conservation lands, and to implement experimental Norway Maple control programs, using children and volunteers for these tasks. He is working with the Urban Ecology Institute (UEI) at BC, but cannot apply through the UEI because UEI is applying for the same grant to work in another community. He also requests the Conservators to commit \$1,000 to match a high school intern to help with the field work (Regosin's request is attached to the file copy of these minutes; also in Reenstierna email to Directors on 6/20.) The deadline for submission is July 18.

As the administrating entity, the Conservators would presumably receive the overhead for the \$8500 grant (15%?) and own the work. It was agreed that the decision on sponsorship is to be made by the entire board; the \$1000 grant for a student should go through the grants committee.

MOTION: Larry Burdick moved that we agree to make the application; Anne Pearson seconded the motion.

During discussion, Larry Burdick & Katherine Howard were authorized to work with Regosin on the application, and are authorized to decide whether to go forward.

MOTION APPROVED unanimously.

Forte Property CPC update: Ted Kuklinski reported on the CPC public hearing. The CPC recommended the proposal, with NC members abstaining. Two-thirds of the property would be open space, one-third community housing. Conflict centered on the number of units. The Newton Housing Authority wanted one or 2 additional units. The NHA is to administer the original house as rental, with Habitat for Humanity building new owner-occupied units. Some neighbors wanted one, Habitat insists on two.

The Conservators paid the \$1200 for the appraisal, which came in for \$900,000. The Forte heirs want \$1,100,000. The CPC approved this sum. The aldermanic Finance Committee and Ad Hoc CPA Committee met on June 24; sewage capacity and price were the main issues raised; the committees were to meet again on Monday, June 30. at 7 PM.

The Land Acquisition will consider any future properties on the open space list.

Other:

Kessler Woods: No news yet.

Ordway Park: An abutter has installed a dog fence that may encroach on Ordway; this is being looked into.

Newton Energy update: Amelia Raven, a graduate student working in the Planning Department is offering a Newton Energy Update. It was agreed that the document would be sent around to the Board and, if there are no objections, we would send it to our e-mail mailing list

Minutes: Katherine Howard moved to approve the minutes of the April 8, 2003 meeting. The motion was seconded and approved.

Committees: Eric will send the list by email, and we will discuss it at the next meeting.

Adjournment at 9:25 PM

Respectfully submitted,

AnnaMaria Abernathy
secretary

Newton Conservators, Inc.
Minutes of the Board Meeting
July 23, 2003, 7:30 PM
Newton City Hall, Room 222

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Lucy Caldwell-Stair, Carol Lee Corbett, Modestino Criscitiello, Henry Finch, Duane Hillis, Katherine Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, Jon Regosin. Also present: Dan Brody.

Meeting calendar: It was agreed that unless conflicts arise, meetings will be on the 4th Wednesday of each month with the exception of the combined November/December meeting. The tentative schedule is Sept. 24, Oct. 22, Dec. 3, Jan. 28, Feb. 25, Mar. 24, Apr. 28, May 26.

Treasurer's Report: Katherine distributed copies of the Financial Statement for the six months ending 6/30/03. MOTION: Carol moved that we accept the report, Chris seconded, and the MOTION WAS UNANIMOUSLY APPROVED.

Corry Berkooz as new Director: Eric explained that the By-Laws provide for the election of new directors by vote of the Board, subsequent to the Annual Meeting. MOTION: Katherine moved that we elect Corry Berkooz, Anne seconded, MOTION WAS UNANIMOUSLY APPROVED.

Judy Hepburn has informed Eric that in May 1981, the number of board members, in addition to officers, was increased from 21 to 24, though this is not reflected in the 1989 By-Laws. Currently, there are 19 members.

Map Guide: Duane reported on his consultation with Joe Walsh, an intellectual property lawyer, who confirmed that the maps remain Judy's property. For future publications, there should be a written agreement that the Conservators own them. Duane and Eric also discussed the issue with Judy, and agreed that one map can be on the web until many copies of the Guide have been sold, whereupon others may be added, with the permission of those who created the Guide (Judy, Lucy, Pat). Dan Brody, who is constructing the new web site, proposed that the book cover be on the web, and clicking on any site will bring up the text describing it.

Peter suggested that we discuss with Judy filing a copyright on the booklet.

Duane hopes the Guide will be linked to the City of Newton's web site.

Zukerman Flowed Meadow Proposal: A long discussion:

- AnnaMaria listed the problems and the huge costs solving them would entail (parking for a Lexington St. entrance; access road for police; fencing the methane tubes & compost area)
- Ted remains optimistic, noting that the Flowed Meadow Working Committee had proposed this; that Martha Horn had expressed interest but indicated that tie-ins (e.g., with Mayor, with Burr School) were needed. He thinks Zukerman should be encouraged to make a specific proposal, that we would vote on. Meanwhile, we need to caution him not to use the Conservator name.
- Henry sees this as a possible future project, when funds are more available.

Upon Peter's suggested, Ted volunteered to write a letter to Zukerman, with copy to Martha Horn, suggesting he make a proposal that we could discuss and requesting that he not use the Conservator name in any discussion or proposal.

Regosin Norway Maple Project: Jon thanked Katherine warmly for having pulled the proposal together in time for the July 18 deadline. He will head a land management committee with members Chris Criscitiello, Beth Schroeder, Corry Berkooz. Jon needs volunteers and hopes to involve school projects.

COMMITTEE REPORTS:

Membership: The following policy items from Peter's schedule of yearly mailings & newsletter announcements (attached to file copy of these minutes) were discussed:

- continue exchanging lists with other environmental groups, giving members the option to opt out.
- publishing the list of donors without specifying amounts, also with the option to opt out.
- email • use of email lists restricted to Conservator business. Members see only their own name now, Ted pointed out. (mail for all board members lists names to facilitate replying to all ,and knowing who received it)

Peter recommends these, and proposes announcing them in the September newsletter. It was agreed that the policies will be announced in the September newsletter, and names of donors who don't opt out will be published in April. It was also agreed to spend up to \$100 for a picture card to acknowledge and thank for donations. Lucy also suggested asking donors why they give, and summing up in a newsletter article.

- Renewals/Newsletter: after missed dues, members will receive a free issue with renewal application, notification that they have been dropped in September, and receive a letter in December asking if they wish to become members.

Map Book Sales and Distribution: Lucy reported she has begun working out distribution agreements; the first is with New England Mobile Bookfair, which has taken 25 copies to be placed next to the cash register, and is giving us, as a non-profit, 60% instead of the standard 50%. The Newton History Museum also has copies. Carol recommended contacting realtors. The idea of offering volume discounts was raised and rejected. Price is \$7.95. Ted recommended having an article in the TAB highlighting the booklet in the fall.

By-Law Review and Part time administrator: discussions deferred to another time.

Liaisons with other organizations: (see list on the meeting agenda). Peter added his connection with Parks & Rec. Commission to the list. Conservation Commission and aldermanic land use committee in particular need observers.

New Web Site: Dan Brody, who volunteered in response to a Newsletter appeal for volunteers, demonstrated and explained the new Conservator web site he is creating. Suggestions that were accepted: adding Kessler Woods; adding a link for feedback, and opportunity to request e-mail news, such as Newton Nature News; adding a tag line to each page, e.g., "preserving open space in Newton for 40 years." Not accepted was a link to Amazon.com.

Dan pointed to the need to discuss what host to use, and how much to spend. The current free host has too many ads; one could pay to kill these. Free servers may have inadequate capacity for photographs; Dan recommends Hinterland, which costs \$21/month and has capacity. He

also asked about whether to have a link to a secure web site – he described Network for Good – for joining instantly by credit card; this issue was left pending. Dan also said that the Conservator email address will be on the site.

All those present expressed warm thanks to Dan for a fantastic site.

A conservation restriction? Lucy reported that she and Eric had visited Carolyn Friedman, who had inquired about executing a conservation restriction on her second lot at 60 Prospect Park; this piece of land also fronts on Dexter Road; she would do this soon, preparatory to selling the house. The board discussed whether we would hold this restriction. At issue is whether the lot can really be divided, and whether there will be public access. [Assessing info: it shows as a single lot, is 31,700 sq. ft., with frontage of 165 ft. The large house fronts on Prospect, the lot on Dexter.]

Forté update: Ted reported that on July 14, the Board of Aldermen unanimously approved the purchase as recommended by the CPC. He described the suspenseful following day, when the opponents asserted that grade change of more than 3’ made the project illegal, whereupon Ald. Sangiolo filed to “reconsider” – then withdrew the request at 11 PM!

Bill Shaevel will represent the Conservators, Alan Schlesinger the Housing Authority. The lawyers will meet Tues. or Wed. morning (July 29, 30). Eric would like a Conservator to attend if possible.

Ted was applauded for the remarkable achievement, and commented that getting funding of .1 million in two months set a speed record.

He added that Senator Creem’s amendment to the Municipal Relief Bill permitting payment of 125% of assessed value would doubtless become law, and eliminate in future the problem that an assessment lower than the asking price presented here.

Kessler Woods: no news.

Other: Elly Goldberg has asked for our support, in a letter, to getting the City to purchase a couple of all terrain wheelchairs to lend out, to make all conservation areas accessible.

Minutes: were accepted unanimously with no changes.

Annual Meeting: Duane is planning the annual meeting. In response to his question whether we wish to avoid the Andover-Newton to express our disapproval of the destruction of trees on the hill, he was asked to look into alternate sites. Carol Corbett volunteered to work with him.

Land Trust: Eric suggested a special meeting of those interested in potential sites.

Duane said the MDC is planning to give up the reservoir behind BC & Commonwealth Ave. Also, 12 acres near Newton South High School.

Adjournment: at 10:10 PM

Respectfully submitted,
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Minutes of the Board
August 27, 2003, 7:30 PM
Newton City Hall, Room 222

Present: Eric Reenstierna (presiding), Corry Berkooz, James Broderick, Larry Burdick, Lucy Caldwell-Stair, Bonnie Carter, Carol Lee Corbett, Cris Criscitiello, Doug Dickson, Duane Hillis, Katherine Howard, Ted Kuklinski, Anne Pearson, Beth Schroeder. Also present: Bill Shaevel

Discussion of Proposed Purchase of Forte Property by Newton Conservators: -

Bill Shaevel explained that statutes presently in effect prevent the City of Newton from purchasing the Forte property directly from Mrs. Forte's son, Donald, obtaining for itself a Conservation Restriction on the 2/3 of the property to be preserved as open space, thereafter turning the remaining 1/3 over to the Newton Housing Authority (NHA) and Habitat for Humanity (HH). In order to circumvent this difficulty, he was asked to draw up a Purchase and Sales agreement whereby the entire property would be first sold to the Newton Conservators (NC), acting as an intermediary, for the price of \$1,100,000, on condition that the City of Newton pay that money. With this title in hand, the NC could obtain and hold a Conservation Restriction on the 2/3 of the property to be turned over shortly thereafter to the City of Newton. The remaining 1/3 would go to the NHA and HH for housing.

Bill noted that Mr. Forte Jr. is interested in selling his property as soon as possible, hoping that arrangements can be made for the NC to obtain title to the property as early as late September or October, 2003. He estimated that a November date is more likely, and he was not able to predict the amount of time required thereafter to complete arrangements for transfer of parcels to the City, the NHA and HH. For this reason he has invited inquiry from the Board members as to their possible concerns about NC "exposure" during the period when we would be holding title. He noted that the City, through the Community Preservation Act, could provide up to \$10,000 toward any of the usual expenses involved, e.g. surveys for toxic waste or groundwater pollution, cleanup liability for same, or damage insurance to cover the Forte house presently on the property.

The following are paraphrases of questions and responses from those attending: -

Duane: - Why not rent the existing Forte House until remodeling is initiated and let the lessee be responsible for its protection? Bill : - "Good idea!"

Doug: - Is provision for a specific number of housing units part of the Purchase & Sale agreement? Bill: - The present version permits development of up to 3 housing units on the 1/3 directed to the NHA and HH. The NC will determine the wording of the Conservation Restriction on the other 2/3ds.

Doug: - If the developers request permits for extra units what happens? Ted: - NHA & HH officials understand that the number of units acceptable is limited and they will go along with the smaller number.

Lucy: - Have we made specific promises to Mr. Forte to fulfill his estate's desire to provide low cost housing? Bill: - Yes, but the agreement is silent as to what type will be constructed. Acceptance of \$1.1 mil. from the city binds us to the agreement that 1/3 of the property will go to the NHA and HH.

Carol: - Will we be required to maintain the open space at our expense during our period of ownership? For example, would we have to pay for cutting down and removing damaged trees on the property? Or for removing trees on that section to be turned over for housing units? Bill: - In the latter case tree removal will be the developers' responsibility. I believe any work required in the open space area would be covered via the \$10,000 ,

Carol: - Can you estimate how soon the housing construction will begin? Bill: - The NHA is hoping for an early start, and HH also seems like a well-organized group, although this will be its first venture in a suburban setting.

Doug: - Also, the CPC is pushing to wrap this whole thing up ASAP.

Larry: - is an immediate purchase & transfer likely?

Bill:- probably not. There is certain to be some delay in the face of other city business.

Doug: - Can we close with NHA and HH simultaneously?

Bill: - NHA will make its arrangements with HH, but we should hold title until their various construction permits are cleared.

Eric: - What will the \$10,000 provided by the city via the CPA actually cover? Are there limitations?

Bill: - It's not specified, but they should cover the usual things involved in property transfer.

Lucy: - Is it likely that a check on possible environmental pollution will be required of us?

Bill: - It is not usually required on transfer of residential property unless there has been a definite history of toxic spill, a leak from an underground oil tank, for example. If something like that were discovered, the cleanup cost would most likely be at the hands of the previous owner.

Doug: - Do you think the City would require a 21 E Survey (for pollution)? Should we inquire about this beforehand? Bill: - We could ask, and the city would probably plan to pay for such a survey. It's not clear to me that the liability insurance policy NC presently holds would cover it.

Eric: - What if the NHA doesn't take over and lease the Forte house - would we be responsible for heating and insurance costs? If it is leased will there be an eviction issue at the time any remodeling is planned for?

Bill: - Those issues and costs, if any, would probably be taken over by the City.

Ted: - It may take 2 –3 months for us to obtain a conservation restriction, but it is unlikely that we would be holding the title for much longer than that.

Bill: - The purchase price will include a \$33,000 deposit to bind the offer. We can't afford that, so the city will have to pay it as well as the

rest of the \$1.1 mil.

Duane: - We should try to develop an insurance risk formula with some private agency to cover any liability

Anne: - Will there be a property tax for 2003 and for next year if we still hold title then?

Bill: - We would have to register ownership and deal with the issue of a property tax, but we could ask for a tax exemption as a non-profit agency. I will talk to the assessor's office about that.

Corry: - Will we be responsible for long term maintenance of the 2/3 conservation area?

Larry: - A conservation restriction in our name would require us to monitor the area, but I think the city would bear the cost of actual maintenance.

At this point discussion was ended and a vote taken. See addendum to Minutes for wording of vote.

Further Business:

- Eric reported an update on the Wilmerding property indicating a temporary impasse generated by the seller's desire for an easement to maintain for himself an existing terrace and historic rock wall of 1000 ft. length. He apparently had not made a measure of this distance beforehand, and it now appears that such an easement would impinge on the conservation restriction. Since the decisions of the CPC and the Aldermen were made on the assumption that such measurements had been made and the wall did not lie in a restricted area, acquisition of the property is stalled until this issue is settled.

- Carol reported that Judy and Chris Hepburn have transferred the Minutes of the Newton Conservators meetings from 1969 to 1995 and, in addition, a copy of our By-laws to a single Compact Disc. Each member of the Board has been provided a copy of this CD. The original archives are presently stored in Carol Lee Corbett's basement, but board members suggested that they could eventually be turned over to the Newton Museum of History at the Jackson Homestead. A resolution, passed unanimously, thanked Judy and Chris, recognizing the many hours of work this effort involved.

- Carol also reported that, in reviewing the by-laws, she discovered that the date of the Annual Dinner is not confined to June. It may be held in May as well.

- The New Conservators' Website: - Dan Brody is awaiting the Board's permission to establish a link to an agency that permits, for a small fee, on-line donation to the Newton Conservators. Eric recommended further conversation with him about this, since members expressed reservations about this approach. Bonnie Carter described another website, Newtoncitizens.com which carries information about several Newton socially active non-profits. Should we add our name to their list? Members will check the site first.

- Pollution Prevention Day: Eric asked for volunteers to spend time at the table sponsored by the Newton Conservators at City Hall on Wednesday, September 17th. The purpose is to respond to inquiries about the nature and function of our organization and thereby to solicit support and membership.

- Newton Conservators Talk at the Library – Nov. 17th: -

Anne Pearson has arranged for the following: -

Presentation will be done by Bob Wilber, Director of Land Protection for Mass Audubon.
Below is the abstract.

Land Protection: Now or Never.....Forever

Mass Audubon's New Land Protection Strategy

Across the Commonwealth, unprecedented rates of development are resulting in accelerated habitat loss and fragmentation. In much of the state, the "window of opportunity" to make a meaningful difference in the conserved landscape is only 10 -15 years. In order to meet this challenge and effectively advance its mission of Protecting the Nature of Massachusetts, Mass Audubon has recently completed a new Land Protection Strategy to guide its future land protection efforts. The foundation of this plan is a new Geographic Information System data layer that will allow Mass Audubon to be focused, selective and proactive in its land protection work. Come learn more about how Mass Audubon is working to Protect the Nature of Massachusetts

The meeting was adjourned at 9:15 p.m.

M..Criscitiello, Clerk, pro tem

more below

Addendum to the Minutes

Newton Conservators, Incorporated
Board of Directors Meeting
August 27, 2003

The Board agreed unanimously to the following: -

1.To purchase 76 Webster Park Property for \$1,100,000 conditioned upon the City of Newton paying that money.

2.After purchasing and securing title

a) to convey legal title to not less than 2/3 of the Property to the City of Newton but retain at the same time a permanent conservation restriction upon that portion of the property

b) if necessary, so as to have the Newton Conservators legally retain a permanent conservation restriction, to convey to a third party straw with adequate protections and

c) to convey the remaining portion, approximately 1/3 of the Property to the Newton Housing Authority and/or another non-profit housing developer to develop up to three housing units.

3.The following persons are authorized to execute any and all documents jointly upon terms and conditions they jointly deem appropriate and to perform any and all acts necessary to accomplish the purposes outlined in these votes taken above.

President : - Eric Reenstierna, and in his absence, Vice President Ted Kuklinski
Clerk: - AnnaMaria Abernathy, and in her absence, Treasurer Katherine Howard

As a clerk substitute I hereby certify that the above is a true and accurate summary of the votes taken at this August 27, 2003 meeting.

Newton Conservators, Inc.

By - Modestino G. Criscitiello M.D.
Clerk, pro tem

Newton Conservators, Inc.
Minutes of the Board Meeting
September 24, 2003, 7:30 PM
Newton City Hall, Cafeteria

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Corry Berkooz, Jim Broderick, Larry Burdick, Carol Lee Corbett, Modestino Criscitiello, Bill Hagar, Duane Hillis, Peter Kastner, Ted Kuklinski, Anne Pearson, Dan Perlman, Jon Regosin, Beth Schoeder. Also present: Dan Brody, Bill Shaevel.

Zukerman Flowed Meadow Proposal: Anatol Zukerman brought drawings of his plans for Flowed Meadow. Eric thanked him and said we would respond.

Kessler Woods: Speaking for Doug Dickson, Eric said there was not much to report. Eric read Doug's brief memorandum on Kessler. The P&S has been signed.

Forte Property: Eric has learned from Bill Shaevel that the P&S agreement is ready for signature, and the City has the \$33,000 needed for the closing. (See further below, at "Forte/Bill Shaevel.") Regarding insurance: Harvey Epstein of the Housing Authority said the City will cover this. The City will also take responsibility for any hazardous material found. The lawyer for Habitat is working on the siting.

Wilmerding conservation restriction: Eric has spoken with Mr. Wilmerding and City officials; the matter is in the hands of the lawyers. (Eileen McGettigan in the Law Dept. is handling the City side.) The matter is complex and has no deadline, hence is slow.

Ordway Park: •Jim Broderick said we need to raise at least \$10,000 to meet the match that is being offered for the Ordway Park Fund.

• Regarding the variance requested by Emmetts, abutters to the Park,, Eric has written the City giving our conditional approval.

• The Emmetts' invisible dog fence that encroached on Ordway Park has been removed.

• Ordway Park Renewal wine and cheese reception on Oct. 23 at the home of Joan and David Rosenberg: 250 invitations were going out on Sept. 26, and a bulk mailing to all Conservators the following week. **Jim asks members to send him names of potentially large donors..**

potentially large donors..

• MOTION: to thank Pat Robertson for her pro bono preparation of the brochure about the fund. SECONDED, UNANIMOUSLY APPROVED.

Jim noted, in response to a question, that the original Ordway bequest of \$20,000 was the core of our holdings.

The brochure costs \$661; a MOTION to approve this expense was SECONDED AND UNANIMOUSLY APPROVED.

Carol questioned the brochure's offer of naming opportunities. Jim said there are a number of such opportunities, and Peter recommended that we have a plan of how to use this offer, with specific limits. Eric noted that the learning experience here is important for future fundraising.

The Oct. 23 Wine and Cheese reception is to let us mix with potential donors. Maps will be available to give away. **Jim asks members to give him the names of Ordway neighbors they know, for personal contact.**

Web site: Dan Brody posed the following questions:

- **Joining via computer:** Do we want to link to the Network for Good for ease of fund raising? The decision was postponed until Katherine Howard, our treasurer, can review it.
- **Membership categories:** For layout of a 2x3 table, Dan suggests adding a sixth category. Because specifying an amount, such as \$250, requires amending the bylaws, it was decided to have a category named “additional gift.” Peter noted that gifts over \$250 must be acknowledged; if we use Network for Good, they send acknowledgments for all gifts.
- **items to post:**
 - Old Nature Notes: Ted will send.
 - Events: will announce lectures, board meetings, Ordway event, others as they occur.
 - Walks schedule is separately listed.
 - “Walking Trails booklet”:
 - AnnaMaria will send Helen Heyn’s corrections.
 - Judy Hepburn will be asked which map to include.
 - Tour de Bicycle – ask Mike Clarke
 - Awards: lists of Environmentalist of the Year and other awards – to obtain from Bud Elliott or Lucy.

• **Contact person:** The names of officers will be listed, with email sent to “webmaster...”; recipients can choose to have them forwarded via email, or retrieve them from the site.

• **Host site:** Dan recommends Interland, at \$21/month. Ted recommends this, which can be changed in future. There was general agreement to it. How to pay the host site: this is to be worked out with Katherine.

Dan will let the board test the site before finalizing it. Ted will arrange the change with the current registrar.

Forte Propert: Bill Shaevel brought 6 copies of the P&S agreement to be signed by the president and secretary. This agreement simply agrees to buy the property for \$1.1 million by November 17, extendable by 2 weeks, with various contingencies, including funding of the price by the City. A second agreement outlines division of the parcel into open space (2/3) and housing (1/3) parcels.

The President and Secretary signed the purchase and sale agreement, with authorization from the Board.

More details will follow once Conservators own the land. There will be an agreement drawn up between the Conservators, the City, the Newton Housing Authority, and Habitat for Humanity. This may put some responsibilities on us, which we will ask the City to assume. An amount of \$1900 is needed now for the 21E contract, to survey the site for hazardous waste. A MOTION to authorize Bill Shaevel to spend \$1900 for a 21E study, to be

reimbursed by the City, was made, seconded, and unanimously approved. At the August meeting, this Board voted to accept a number of other conditions (see Aug. 27 minutes.) The \$33,000 that the City will give us comes from CPC funds."

Board members applauded enthusiastically to express our appreciation to Bill Shaevel.

Land Management Committee, Norway Maple Project(Jon Regosin): the Norway maple grant did not come through, but Mark Welch, the City Forester, has pledged some help.

Other possibilities that Jon is working on:

- Two trail walks on MDC land – one at Wells Ave., with contributions from tenants there.
- Kiosks on conservation lands, with current information; Martha Horn would like more.
- Revitalizing the "Friends of..." groups, for which Martha hasn't enough funds.

On this, Cris noted that the N. Hlds. Neighborhood Assn. does a clean-up each year, but no pruning; we need to investigate, get rules on what may be done in clean-ups.

Map Books: Lucy's report (appended to file copy of these minutes) was read. To date, about 50 Map Guides have been sold at N.E. Mobile Books, a Century 21 office, and the Newton History Museum. Most sales are expected to be through the NC walking tours and lectures, which Anne Pearson is handling. A new volunteer, Erin Sibley, will handle putting an article into the TAB and flyers in stores telling people to order the Guide through our web site, as soon as that is up. She asks for volunteers to help with this project.

Walks: Peter reported the program is going forward.

Committee and liaison reports:

• **Annual Meeting:** Duane MOVED that we have the dinner at Post 440, which will charge probably \$225 for the hall, and supply a bartender who will sell drinks for \$2 and \$3. Since there was general agreement, he further MOVED that the dinner be on June 2, unless he finds a conflict in dates. The MOTION was SECONDED and APPROVED with no "nays."

• **Grants Committee (Bill Hagar):** The committee has written to Newton NHS. and to the science coordinator for the school system asking for proposals. On the committee with him are Carol and Anne.

Jon said his group is eager to have more school involvement with their projects, and asked Bill to mention its support for teachers in their field projects.

• **Land Stewardship– overseeing CRs and conservation lands(Larry Burdick):** Larry and Anne met with Martha Horn about the 20 odd Crs the City holds; she needs our help in organizing the information. Peter argued that under the Freedom of Information Act, we should require the Law Department to produce this information. Larry said Horn needs help organizing the files, and the possibilities are either that 1) we volunteer, or 2) that she get an intern to do it, for which she'd need a grant from us to pay the intern. Duane suggests we keep a database of all future board orders and wetland restrictions. Martha will come to our October meeting.

• **Land Acquisition (Duane):** The committee will meet on Oct. 1.

•**Parks & Recreation (Peter):** Parks & Rec. committee want to develop a comprehensive plan for the parklands, and Commissioner Fran Towle is in favor.

•**Landscape Advisory Council:** plans to develop a conservancy fund for the city – we need to learn how the various existing groups interact.

Harvest Fair: is October 19. Beth suggests we join the Green Decade at a table. (At Pollution Prevention Day there was much interest in our walks.)

Approval of Minutes: MOTION to approve the July minutes was seconded, unanimously approved. MOTION to approve the August minutes: ditto.

Lecture Series (Ted): on November 17, Bob Wilbur will speak on Land Protection. Ted urges board members to attend and to help. Cris, Carol, AnnaMaria volunteered, and re to come at 6:30 for the 7:00 PM meeting.

Dan Perlman: Brendan Whitaker on connection between Newton and Maine.

For spring, think about Carol Smith Burney, who had a photo exhibit and has studied the Charles River on a walk from Watertown to Bridge Street.

O'Brien Memorial Fund: Eric reported that he had informed the Howards that the Conservators had raised funds in memory of their grandson and had asked the Howards about their preference for a tree or other direction for the funds. The Howards expressed their gratitude and indicated they would let us know.

CD of minutes from 1965, by-laws, Mission Statement: Judy Hepburn has made copies of this CD for each board member; Carol distributed them to those present.

Aqueduct Walk (Henry Finch): Henry reports that the 12 who attended this walk all volunteered to be on a committee to develop the aqueduct as a trail.

Adjournment: at 10 PM

Respectfully submitted,
AnnaMaria Abernathy, secretary

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Newton Conservators, Inc.
Minutes of the Board Meeting
October 22, 2003, 7:30 PM
Newton City Hall, Cafeteria

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Jim Broderick, Larry Burdick, Bonnie Carter (from 8:40) Carol Lee Corbett, Modestino Criscitiello, Doug Dickson, Henry Finch, Bill Hagar, Duane Hillis, Frank Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, , Beth Schoeder.

Also present: Martha Horn, Anatol Zukerman..

Stewardship: Larry said he and Anne are looking into the 77 odd conservation restrictions held by the City in various stages and documentation.

Martha Horn: opened her comments with congratulating Doug Dickson on becoming the new member of the Conservation Commission.

She is swamped with work stemming from the wild upsurge in new development; hence

- she is “thrilled” that Larry and Anne may take on the work on conservation restrictions;
- also Jon Regosin’s help with land management – placement of trails, updating “species lists.”;
- depends on “Friends” groups for maintenance and fund raising. (Conservation gets \$25,000/year from the Commonwealth Golf Course, which will be entirely consumed when the current \$23,500 landscape maintenance contract comes up for renewal in a year. She sees as priorities for Friends group 1) Houghton Garden, where she hopes for CPA funds to complete the fence; 2) Norumbega Park Conservation area, which gets heavy use and needs some repair of steps, as well as getting a dog problem under control; 3) Dolan Pond.

She informed us of the move at the State level to by pass local Conservation Commissions by granting a general permit whereby developers who agree to not disturb the first 50’ of the 100’ buffer zone will be permitted to do as they wish on the rest of the land. There would be no public hearings or neighborhood notification, and approval would be automatic after 30 days. State agents would make decisions without input from neighbors & conservation commissions. She is opposed to this, and will inform us about public hearings to be held on the proposal.

Martha also bemoaned the layoffs by the State: her circuit rider is being cut, so there will be no more monthly informational meetings.

Larry thanked Martha, and Eric affirmed that we will help in the various areas discussed.

Ordway Park: Jim Broderick reiterated the importance of the \$10,000 matching grant for renewal of the park and urged board members to attend the wine and cheese reception on Oct. 23 at the home of Joan and David Rosenberg, to meet with park’s neighbors.

Pat Robinson is working on another brochure “About the Newton Conservators.”

Albemarle Park: Margaret Albright asked that NC express our concern about the School Committee’s request that the \$100,000 feasibility study for Newton North High School include the possible move of the stadium to Albemarle- at the corner of Crafts Street, next to Avery Woods. Peter noted that the Parks and Recreation Commission had not been notified. This is counter to the plans for a comprehensive plan; furthermore, this land is under the jurisdiction of Parks & Rec.. Considerable discussion ensued on the importance of due process, of an overall plan for

Albemarle, and our principle: objecting to any structures being added to parkland and open space. Carol MOVED that Margaret should compose a letter stressing process and principle and that the letter would be circulated for comments and to get board agreement before sending it to the school committee was SECONDED and unanimously APPROVED.

Wells Avenue: Cris reported on behalf of Jon Regosin: currently an MDC-owned stretch of the Charles River Pathways goes on the road to avoid wetlands. He would like a permit to build a boardwalk of some 400' through the wetlands, to avoid zig-zagging back to the street. A MOTION by Henry to support Jon's concert of putting a boardwalk on this part of MDC lands was seconded and unanimously APPROVED.

Kessler Woods: Eric observed that in the hurried process preceding the Oct. 2 aldermanic ad hoc and finance committee meeting, we found two board members taking opposing positions. Now we can discuss and decide, if we take a position, how loudly to state it. We also need to decide our process in these matters.

Doug responded 1) that he was not speaking for the Conservators on Oct. 2, and 2) that a State law prohibits all corporations from taking decisions in any way other than face-to-face or teleconferencing; applying this to email, it can be used only when everyone agrees. An alternative is for organizations to follow a process in its by-laws. It was agreed to put off discussing this question.

Regarding the Kessler decision, Doug stressed that the process is still evolving, with new maps being produced. Given this, the issue is to find best way for NC to maintain its influence in the process. He recommends that we say what we do support, and express reservations to portions of the plans.

Specifics to consider:

- Is the amount of money – whether \$5M or \$6M– reasonable for what is being obtained?
- This deal is precedent-setting in the way the City worked with its private partner.
- Eliminating the buffer would open the risk of a legal challenge by abutters.
- The contingency plan for 14 units was necessitated by the deadline of the auction with the necessary higher bid; it provided for the contingency that the City not obtain the extra \$1M needed.

In the course of lengthy discussion, the following principles were supported:

- that the acquired acreage be as large and as contiguous as possible
- that there be ready public access to open space
- that there be maximum open space
- that there be no buffer zone that had no public access

Henry showed how one might, without the added \$1M, give the developer 14 units, but change lots 13 & 14 so as to give good access to Harwich Road from the large open space.

After lengthy discussion, Eric noted that there was a division of opinion, and that we should put forth both opinions, elucidate our principles, and depend on the aldermen to arrive at a solution. Duane proposed stating our principles and that we think the plans could be improved to get the maximum benefit from the additional \$1M, Larry MOVED that Duane draft a letter enunciating the concepts we agreed on and stating that members disagreed on the expenditure of the \$1M; and that the letter be circulated by email for approval. The motion was SECONDED and APPROVED, 13-2.

Flowed Meadow: Anatol Zukermen indicated that he is at work on a plan to improve public access at Flowed Meadow and prevent public access to the DPW operation on the landfill cap.

Approval of Minutes: MOTION to approve the September minutes was seconded, unanimously approved.

Ordway Oct. 23 reception: Eleven board members indicated they would attend.

Reminder: November 17 Fall Lecture by Bob Wilber on Land Protection

Respectfully submitted,
AnnaMaria Abernathy, secretary

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Newton Conservators, Inc.
Minutes of the Board Meeting
December 3, 2003, 7:30 PM
Newton City Hall, Cafeteria

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Jim Broderick, Larry Burdick, Carol Lee Corbett, Modestino Criscitiello, Doug Dickson, Duane Hillis, Katherine Howard, Peter Kastner, Ted Kuklinski, Anne Pearson,

Also present: Curtis Bates

Forte update: Ted reported on the successful and celebratory closing of the purchase of the 1.1 acre Forte property. He held the million dollar check for the time it took to receive it on behalf of Newton Conservators and hand it over to Mr. Forte. This is a milestone first major success of the CPA, satisfying all the desiderata: open space, housing, historic preservation! Ted was applauded by all; he then left to attend another meeting.

Friends of Albemarle: Margaret introduced Curtis Bates, who recounted that one or two dozen neighbors had mobilized a month before, in response to discussions of moving the NNHS stadium to Albemarle field. They plan to become a formal “Friends of Albemarle.” He distributed a map of the park (attached to the file copy of these minutes) and described the situation; he sees need for a master plan for the area. Last year the City reseeded the playing field and tore out the old rose of Sharon hedge with no consideration of the visual barrier it provided.

Peter said the Parks & Recreation Commission is thinking about a master plan, but have none; they are reactive, and responsive to plans by the community. Multiple stakeholders in the park present a problem.

The Conservators have served as umbrella for other “friends” groups’ funding. He referred to Carol Shein, the open space consultants to Parks & Rec.

Doug observed the importance of timing: currently there is sentiment for planning, and a number of plans are going forward. Albemarle could be used as a pilot, so this group should get organized and credible in order to apply for CPA funding. .

Advocacy

• **Kessler:** a number of issues: trails, conservation restrictions on some of the developer’s land, access to Brookline Street, management of wetlands.

Eric asked for a subgroup of the management committee. Cris agreed to chair it, with Eric, Jon and Henry.

Doug said we must monitor the three places where the project intersects with city government: 1) Conservation Commission, 2) Board of Survey, 3) Board of Aldermen, where the public interest is determined to warrant the special permit; this is where we can intervene most; and possibly

4) Zoning Board of Appeals if a 40B permit is sought.

- **Newton North High School:** opening up the streams now in pipes
- **Development Sites:** a large site, still not mentioned, with a stream running through it.

Procedural Issues

• **email discussions and votes:**

Doug said we need a formal policy on this:

- definition of required lead time
- provision for non-email users
- requirement for a certain number of members to check in.

We need to put the policy in writing, including which types of issue can be handled by email, which ones require a meeting. Meanwhile, he recommends we follow the state law which forbids corporations from taking votes except in person, in meetings.

Margaret cited the practice of an organization she belongs to – issues are discussed by email; then the president or another member can send out a motion as an attachment, and members have to sign it and fax it back.

Jim believes simple issues can be done by email, but complicated ones should require a special meeting.

AnnaMaria recommended that, in case of short notice before an aldermanic hearing, we should speak of the question and indicate that we would send our position after we meet.

Eric will put this on a meeting agenda after someone researches it and provides a model.

• **advocacy on letterhead – procedure:** It was agreed that the president should sign letters after it has been approved by a certain number (quorum?) of members.

• **Directors' table and discussions – invited guests, others .** A MOTION that guests are to be shown where to sit, and invited to speak at the discretion of the president, was SECONDED and unanimously APPROVED.

Committee Reports

• **Treasurer:** Katherine distributed the Financial Statement to date, noting that income is behind in membership, ahead in Bread & Circus and investments. Expenses are under budget for grants, over on the map, as expected. Projects: the \$2100 for Forte will be reimbursed.

Katherine asked that board members submit any outstanding reimbursement requests.

• **Membership:** Peter is sending renewal letters to current members and to lapsed members. Our newsletters should also be at City Hall and the Library.

Other Business

• **Friends of Nahanton Park:** Duane proposes to dissolve FoNP as official organization in order to save much paperwork, and to give the FoNP money to the Conservators, to be

kept separate on our books. The sense of the meeting was that if the FoNP vote to dissolve, then we would vote to approve the measure.

Peter said he and Larry would 1) review the books of FoNP to ascertain all is clear; 2) research state regulations on dissolving a non-profit, and 3) consider levying a small service fee. He also pointed out that the change would have a consequence for FoNP: they would relinquish control, as the Conservators would judge the appropriateness of any expenditure.

Doug called this another issue that the by-laws should address.

Katherine will discuss the issue with Larry and Peter.

- **Ordway Park:** Jim reported that 10 Conservator directors and about 20 neighbors had a very good discussion. There is desire for improvement but no radical change. A fundraiser will be held in spring. So far \$1400 has been contributed to the fund, and a \$1000 “matching” check arrived at the \$1000 point. Jim is eager to reach the goal of the first matching fund of \$10,000.

Duane suggested adding an Ordway check-off on the dues envelope; Peter agreed to see if it was easy to do; and Eric will put a sentence in the fundraising letter.

- **Newsletter:** Consensus that the recent issue is excellent.

- **Bob Wilber lecture:** was a huge success, with a majority of board members in attendance. Anne was warmly thanked for arranging it.

- **Parks and Recreation Commission:** Peter noted that there are 2 or 3 vacancies – definitely Wards 2 and 4. We should suggest names to the mayor. Doug said this is so important that a subcommittee should try to line up candidates – he and Peter will work on it.

- **Dan Brody:** Eric proposed to bring Dan Brody on the board; everyone agreed that he be asked.

Ken Kimmel: Doug suggested inviting Ken Kimmel, the new open space member of the CPC, to a meeting to see what we’re like and to speak to us of his views as he joins the CPC.

Approval of Minutes: After correction of the spelling of “Albemarle” a MOTION to approve the October 22 minutes was SECONDED and unanimously APPROVED.

Forte Property: Preliminary plans for the new building were distributed (appended to file copy of these minutes). Ted and Henry will be asked to work on these.

Adjournment: at 9:55.

Respectfully submitted,
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Minutes of the Board Meeting
January 28, 2004, 7:30 PM
Newton City Hall, Room 202

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Jim Broderick, Dan Brody, Larry Burdick, Carol Lee Corbett, Modestino Criscitiello, Henry Finch, William Hagar, Duane Hillis, Frank Howard, Katherine Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, Beth Schroeder

Also present: Jenny Outman, Dan Green, Alex Wilmerding.

Jenny Outman: Duane introduced Jenny Outman, an attorney and conveyancer, who is volunteering to help, taking some of the burden off Bill Schaevel as we increasingly deal with land acquisitions.

Board members: Dan Brody has joined the board; Dan Perlman resigned after the September meeting.

Land Acquisitions

• **Angino Farm:** Duane explained that the 2 1/2 acre farm is up for sale, since Jerry Angino died 3 years ago and his sister Rose Mitchell last year. Nick Coppola, the broker, indicates that the \$3.5 million asking price is firm. The Historical Commission considers it a historic site. The lowest appraisal costs \$3800; if the Conservators undertake it, the Conservators would seek reimbursement for the appraisal cost from the CPC whether the deal goes through or not; NC would be the agent, the City would actually purchase it. Many groups are interested, among them CanDo for housing, Newton Pride for greenhouses and Angino Farm Coalition of about 25 people. The owner does not want the matter publicized.

After considerable discussion, Duane Hillis made the MOTION: that the Conservators make an offer of the full asking price through the broker, subject to the appraisal and to CPA funding. Larry Burdick SECONDED the motion. Further discussion of the price and the ideal of keeping a working farm in Newton with some housing, the motion was APPROVED unanimously.

A second MOTION, that we agree to pay for the \$3800 appraisal if no other funding source appears, with the understanding that CPA funding will be sought, was also SECONDED and unanimously APPROVED.

• **Wilmerding Conservation Restriction:** Dan Green, a member of the Conservation Commission who is serving as an active adviser to us explained that the conservation restriction will be held by the Newton Conservators. It provides that there shall be no building on the site for 30 years, after which the Conservators and the City will decide what "conservation purposes" it will serve.

Alex Wilmerding added that this document is a template that will apply to other properties henceforth. The process has been arduous, and he thanked the Conservators for being guardians of the restriction.

- **Kessler - Cornerstone land:** Cris Criscitiello reported that the final sale has not closed because Nstar must still undergo a hearing before the Federal Department of Telecommunication and Energy as to how proceeds of the sale will be distributed to the utility's customers. That will occur in March, according to current schedule.

Eric and Cris have met with Thomas Southworth who represents the Cornerstone Company on planning. He noted that housing can be built on only 13 acres. The remainder includes wetlands which they are willing to make available for public use. Cornerstone's current plans include a possible outlet to Harwich Road, in addition to the Vine St. outlet for the trail proposed earlier by Jon Regosin... If Cornerstone agrees, it also may be possible to develop a portion of the trail up to an overlook on the puddingstone ridges just below the site of the condominium cluster which will be located off LeGrange St.. Cornerstone is willing to help in the construction of such trails and has committed \$90,000 to that purpose. Eric suggested that the N.C. can serve as an ally in the process of making future plans for the area. Mr. Southworth has agreed to come to the February NC board meeting.

Housing Authority. At its February meeting, the Conservation Commission will approve the lines that will be drawn. Board members agreed with his recommending the second map, which does not have the jutting out area; also to request a low shrub border.

- **Farwell St.:** The MDC about 50 years ago sold off two riverfront lots of which one (McDonald) will go on the market this spring. Dan Driscoll is interested in a scenic restriction on this property in the interest of the Charles R. Pathway. The lot is 2.5 acres, with only 50' frontage. Dan Green said this is a candidate for a 40B development. We would like the owner to give us a CR in exchange for the tax benefit. Frank Howard cited an e.g. on the North Shore, where open space was planned, and smaller-than-zoned lots sold for more than standard lots without the open space.

- **Temple Mishkan Tefila:** Eric reported that approximately 11 acres is available. Steve Bookbinder is the temple's attorney. Eric proposed that they and we share the cost of an appraisal. Peter Kastner cautioned that we need to check the history: if the land was a gift from the State, it should not be sold.

- **Treasurer's Report:** Katherine reported a healthy balance sheet, with a big influx of dues. She distributed a detailed list of the accounts.

- **Ordway Park:** Jim Broderick announced that he Newton Center Garden Club is offering a bench for the park, and that gifts for the matching fund are about where expected.π

Committee Reports

- **Grants:** Bill Hagar has sent out application packets, but there have been no responses yet.
- **Membership:** Peter said that the second reminder mailing will be sent in February.
- **Lectures:** Ted announced that Brendan Whittaker will be the speaker, but no date yet. He also requested that members send announcements for Nature Notes by email
- **Approval of minutes:** The minutes of the Dec. 3 meeting were approved unanimously.

Respectfully submitted
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Minutes of the Board Meeting
February 28, 2004, 7:30 PM
Newton City Hall, Room 202

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, , Dan Brody, Carol Lee Corbett, Modestino Criscitiello, Henry Finch, William Hagar, Duane Hillis, Katherine Howard, Ted Kuklinski, Anne Pearson,

Also present: Tom Southworth of Cornerstone Co., and David E. Berkeley

Introductions: Eric asked everyone to identify themselves and their function on the board.

Kessler Woods: Cris, who is taking the lead on this project, introduced Mr. Southworth, vice-president and director of development at Cornerstone Company. He gave an overview of what has been agreed on with the City: Two parcels, of 8.8 and 3+ acres, which are adjacent to other conservation land are to be deeded to the City. Cornerstone will create 13 single family house lots on the northern site, and – assuming granting of a special permit -will build 62 condos (20% affordable) on 8.3 acres at the high knoll; requiring 14.5 acres of land. Thus, at a minimum, 25 or 26 of the 42 acres - about 61% - will remain as permanent open space. Cornerstone is not certain exactly how its condominium units will be laid out. When a final plan is created, Cornerstone is agreeable to deeding a conservation restriction on the land that is not required as a location for the buildings, their yards, and their driveways and parking area. Thus, the amount of protected open space is likely to be more. Southworth also promises \$75,000 [not the \$90,000 previously mentioned] for trail construction. Title transfer is slated for April 6. Meanwhile, the City gets a temporary easement over the bordering vegetative wetland. Again, when the development plan is finalized, the easement will become permanent.

Mr. Southworth, in response to conservators' questions whether some of the high area can be saved for public access, said that it was not possible to allow public access to the high point at the middle of the condominium site. [Whether a trail partly up the hill, below the parking area, was not clarified.]

Duane inquired how soon the plans can be made public, to show what is being obtained, and counter CPA opponents' claims that the City is spending \$5 million for a wetland. Mr. Southworth agreed that this is important, and he can help with it.

He agreed that the Conservators' support at the special permit hearing will be important.

Discussion continued about possibilities for public access; Mr. Southworth implied that the outlet to Harwich Road seems likely.

Mr. Southworth replied “no” to Carol’s question, whether consideration had been given to “green buildings” for the condos. Dan explained that various standards exist for green buildings and urged they be considered; Mr. Southworth replied that they would look into it. He was thanked and applauded.

After his departure, Henry suggested tougher negotiating with Cornerstone, and contacting him to have Conservators be involved with the architect; Cris volunteered to compose the letter to Mr. Southworth.

Treasurer's Report: Katherine having left, last month's comprehensive report was deemed sufficient.

NewTV: Eric reported a message from Doug Dickson about the opportunity to do a video with NewTV.

Suggestions were a walk through the Kessler site (not recommended at this time); involving teen-agers eager to make films; Dan Perlman on Cold Spring Park. Margaret can show interested teachers and students a sample from WGBH of what can be done. Dolan Pond is deemed a good subject. Ted and Duane offered to help. Margaret will email board members about this.

Committee Reports

Land Acquisition: 60 Prospect Park:

Eric reported that he and Lucy had spoken with owner Carolyn Fine Friedman, who, before selling the property, wishes to give to the Conservators 10,000 s.f. abutting Dexter Road of the 31,700 s.f. lot in Single Residence 2, to keep as open space. She proposes a gift of a fee simple title to the 10,000 s.f. of a fee simple title to the 10,000 s.f., not a conservation restriction. Board members agreed with Eric that one might have us hold the conservation restriction, but have the City own the land. Eric suggested board members to go look at the land, and that he would get back to Mrs. Friedman after we discuss it further.

Annual Dinner, June 2: Bill Hagar has joined Duane and Carol on the committee. The Environmentalist of the Year was discussed and decided The Charles Maynard Award was also discussed; the exact criteria for it need to be ascertained.

Suggestions for speaker were Renata von Tschimer, who is with the Charles River Conservancy, and Charles Heglund, author of *Inventing the Charles River* (MIT Press, 2002). Ted also suggested photographer Carole Berney Nature Photographer, who has slides of Charles River plants. The decision was to invite Ms. von Tschimer, who has already indicated her willingness to come.

Newsletter: In response to concern that supplies of the Newsletter were not being replenished at the library or City Hall, Cris volunteered to take on the task.

Ordway: \$6,000 has been received, and \$4,000 more is needed to meet the challenge grant.

Web Site: Ted observed that no email address should appear on the web site, to prevent spamming; Dan said this is done.

Conservation Restrictions: Ann Pearson and Larry are building a data base of the existing c.r.'s for Martha Horn.

Forte Update: Ted showed the revised plans, in which the lot line has been drawn in a curve. The Habitat architect has raised questions re the required setbacks.

Farwell Street – McDonald property: Ted reported that the owner still intends to sell – eventually – but not as urgently as previously thought; he is willing to talk with

Lecture: tentatively scheduled for April 20.

Grants: Bill reported that Jesse Sayles, a recipient of a grant last year, acknowledged the Newton Conservators in his publication *Creating a Culturally Appropriate Watershed – Adjacent Marine Coastal Protected Area in...James Bay, Quebec*.

Aqueduct: Henry plans to research the areas for pathway. Cris explained that “no trespassing” signs are placed by the MWRA to avoid liability. He cited the Cochrane/Sudbury aqueduct trail system in Wellesley.

Dolan Pond: Cris and Jon and Beth are pulling together information to write about Dolan Pond. They would like to add a video.

Minutes: A motion to approve was seconded and unanimously approved.

Adjournment: at 9:55.

Respectfully submitted,
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Minutes of the Board Meeting
March 24, 2004, 7:30 PM
Newton City Hall, Room 202

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Jim Broderick , Dan Brody, Lalor Burdick, Carol Lee Corbett, Modestino Criscitiello, Doug Dickson, William Hagar, Duane Hillis, Frank Howard, Katherine Howard, Ted Kuklinski, Anne Pearson, Jon Regosin, Beth Schroeder.

Also present: Drew Hyman.

New TV/Drew Hyman: Ted introduced Drew. A photographer, he is interested in doing a video for us. Ted, Margaret, Eric and Frank Howard will collaborate with him. Carol MOVED that we immediately pay \$50 to join NewTV, thereby gaining access to training and equipment. The motion was SECONDED and unanimously APPROVED. Doug explained that of 12 half-hour programs, we can have 6 and the Green Decade the other 6.

Treasurer's Report: Katherine reported that

- we are members of the Land Trust Alliance.
- she has disbursed \$6500 of Friends of Hammond Pond funds for Hammond Pond Remediation, from the funds that we are holding for the group. Also, the \$1000 that the Conservators had pledged towards the same project has now been disbursed.
- she has filed the Ordway tax exempt form with the City and will check and correct our address at the Assessors' office.
- Mass Department of Conservation and Recreation has announced the 2004 grant program for trails. This may be pertinent to several of our efforts and also Martha Horn's, and Katherine agreed to make sure the other Conservators directors and Martha are aware of this grant availability.

Committee Reports

Media: Brochure: What telephone number to put on our brochures? The question will be referred to Peter, who is membership chairman.

Land Acquisition: Larry Burdick attended a Land Trust Alliance meeting. The LTA will help us with our by-laws. The revisions need to be ready for the April board meeting in order to be voted on at the annual meeting.

Community Preservation Act at Aldermanic Programs & Services Committee: At its Apr. 7 meeting, the P&S committee will discuss Alderman Salvucci's proposal to revoke the CPA after the current 5-year term. (Coincidentally, Doug noted, the Kessler purchase is to close on April 7.) After discussion about whether/what we should respond at this time, the board agreed that the Conservators should be on record. The timing was to be decided by Eric on basis of what was to be learned from conversation with friendly aldermen.

Fran Hints**a:** John Bliss had called our attention to the notice of the death of Fran Hints, a former very active board member. It was agreed to put a notice into our newsletter, and that Eric would send the family a card on behalf of the Conservators.

Annual Meeting awards: After discussion, the Katherine made a MOTION that we do as follows; it was SECONDED and unanimously APPROVED:

•The **Charles Maynard Award** “for recognition and achievement in biodiversity, habitat reclamation, and natural resource protection” will go Stephanie Bacon and the Hammond Pond Task Force (Stephanie has moved to Maine and stepped down from our board.)

• Three **Directors’ Awards** will be awarded:

- to the creators of the “Walking Trails” map guide- Lucy Caldwell Stair, Judy Hepburn, and Pat Robinson;

- to Maxine Rosenberg, the recently retired Science Coordinator for the Newton Public Schools, for her support of our grants program since its inception.

- to Lucille Riddle, the recently retired Animal Control Officer, for her devoted work with animals.

For Environmentalist of the Year, Doug nominated Mayor Cohen, for his leadership in acquiring Kessler Woods for the City; after discussion, Carol MOVED the nomination, which was SECONDED and APPROVED, with one abstention.

Annual Meeting speaker: Doug is in touch with Renata von Tscherner and Karl Haglund .

Annual Meeting dinner: Duane and Carol explained that a sit-down meal costs less than a buffet, so the former was agreed on. The meeting will begin at 6:15, with dinner at 7:00 PM. Duane will call Lucy about details re the invitation.

Newsletter: Doug needs contributions by the April 9 deadline. It will be mailed the 15th or 16th.

Conservators’ Spring Lecture: Brendan Whittaker will speak on May 13 [changed to May 20 according to the Newsletter] Ted raised the question of an honorarium for Mr. Whittaker, who is coming from Vermont. \$200 was agreed on.

Land Acquisition Committee:

• **60 Prospect Park:** After considerable discussion of the merits and problems of accepting the gift, it was agreed that the Land Acquisition Committee should decide and make a recommendation, but that first the committee needs to develop guidelines setting the criteria about acquisitions.

• **Forte Property:** Ted reported that the Conservation Commission had seen the site plan, which is still being revised to fit the zoning requirements.

Ordway Park: Jim Broderick reported that Grant Avenue is to be repaved, and if curbing is to be installed, there will be a cost.

Also, water to the site will have to be installed before the paving. Beth Schroeder will obtain information regarding cost and contractor.

To date, \$6380 has been donated to the Ordway Park matching fund..

Angino Farm: Duane read a letter that had been sent by Lucy Caldwell Stair, in which Lucy advocated strongly for the preservation of Angino Farm. The appraisal of \$2 million is 1 1/2 million below the asking price. The adjoining Ledgebrook owners are looking into the possibility of furnishing \$1.5 million in exchange for building additional units on their land.

Jon asked whether, if the City purchases it, the farm could be run as a community farm and the house offered rent-free to the person running it.

Doug suggested that we postpone coming before the CPC until a clear proposal can be submitted.

Maine correspondent: Katherine has received a scribbled note from John Magnani, 139 Summer (?Sumner?) St 02459 suggesting some land use/ownership cooperation between Maine and Newton. Eric volunteered to reply to Mr. Magnani.

Kessler Woods: Cris has thanked Mr. Southworth for coming to our February meeting, and will get specific proposals for the development after the closing occurs.

Map Guide sales: Frank reported that Newtonville Books has sold more than 100 Guides, while New England Mobile has taken 25. Other outlets suggested were “Just Door” in Auburndale, the Jackson Homestead, and “Walk Boston.”

Grants: Bill Hagar said we may invite the new Newton schools science coordinator to the annual dinner and ask former grantees to do poster sessions at the occasion.

Conservation Restrictions: Beth reported that she and Larry are halfway through recording all the city’s conservation restrictions for Martha Horn.

Land Management: Jon reported that he and Cris and Beth are working on interpretive materials for Dolan Pond and a boardwalk connector for the trail system along the Charles R. adjacent to Wells Avenue. Eventually, they’d like to explore the idea of an orchard at the entrance to Kennard.

Approval of Minutes: After the reference to Jesse Sayles in the February minutes was corrected to “he” [not “she”], the minutes were unanimously approved.

Respectfully submitted,
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Minutes of the Board Meeting
April 28, 2004, 7:30 PM
Newton City Hall, Room 202

Present: Eric Reenstierna (presiding), AnnaMaria Abernathy, Margaret Albright, Jim Broderick, Dan Brody, Lalor Burdick, Carol Lee Corbett, William Hagar, Duane Hillis, Katherine Howard, Peter Kastner, Ted Kuklinski, Anne Pearson, Beth Schroeder.

Also present: Markus Pinney, Susan Sangiolo, Francoise LaMonika, Fran & Brad Seasholes.

60 Prospect Street: After introducing Mr. Pinney, who represents Caroline Fine Friedman, who wishes to donate the 10,000 ft² at 60 Prospect St. to the Conservators, Eric proceeded to list the arguments in favor of accepting this gift – see attachment to these minutes. Beth Schroeder presented the opposing arguments – also attached.

Larry reported the Land Acquisition Committee's review of the conservation issues and criteria of other land trusts. The committee favors the acquisition, subject to learning that it would be safe.

In response to a question, Mr. Pinney noted that the property is developable to two houses unless the 10,000 ft² is removed; and that the State may have criteria for conservation restrictions that it might not meet, hence the offer to the Conservators.

Following discussion, a MOTION to accept the gift with the understanding that the land be cleaned up before conveyance, and after due diligence satisfactory to our attorney, was SECONDED and approved by a vote of 10-0-3 abstentions.

Ordway Park: Susan Sangiolo presented plans that she had developed together with Jim and Beth. to reclaim/restore/renew the park. They delineate different areas of the park, and propose one new path. Jim asked whether we should take this plan to the neighbors in June; one can do one area at a time, in \$1200 segments. \$500 would pay for markers for all the plants – with names of donors. Carol expressed her - and others' – objection to “naming rights” for plants and benches; also a preference for more wild than cultivated look. Katherine asked for specifics on costs and resources. The sense of the meeting was agreement with the plans, and with the plans and accompanying photos at the annual meeting.

Jim next explained that curbing will cost \$2779.50; the cost was \$1500 when we voted for it 3 years ago. It is needed to prevent parking up on our land. He MOVED to authorize Katherine to spend \$2779.50 for 163' of granite curbing. After a SECOND, the motion was APPROVED by 13-1. Also, Jim explained that in order to have the City give a free estimate of the cost of a water connection, we need to spend \$500 (matched by a \$500 anonymous gift) for civil engineer's plan and specs. There would be other costs for excavation and plumber; a donor is offering \$4500 for the water. A MOTION to authorize the expenditure of \$500 now, to pay for the civil engineer's fee, was SECONDED and unanimously APPROVED.

Committee Reports:

Media: NewTV: Ted introduced Francoise Lamonika, member of Green Decade Coalition/Newton and author of an environmental column for the TAB. On this committee with Ted are Eric, Margaret, and Drew Hyman. The Green Decade approached us about sharing a NewTV slot of 12 programs. Francoise explained that in order to be ready for the fall, we need to reserve studio space and lab time by next month. Also, three volunteers need to be trained by September, and a logo & theme sign decided upon. GDC/N will provide 2 volunteers, NC at least one. The next meeting of volunteers is May 18.

Treasurer's Report: _deferred to the June meeting. Having joined the Land Trust Alliance, board members are invited to sign on to their web site.

Weeks Field and Powderhouse Hill accounts: Eric spoke for Doug: these organizations have asked us to handle their finances; Katherine is willing to undertake the work. Peter suggested charging them for administrative costs. Carol MOVED that we agree to the organizations' request, Anne SECONDED the motion, which was unanimously APPROVED.

By-law change: Larry presented the committee's recommended amendment (included in the invitation to the annual meeting). Currently, if the Conservators were to go out of existence, its assets would go to the City. This will be changed to designate an environmental non-profit organization. It is needed because we hold conservation restrictions that cannot go to the City because they restrict City-owned land; also many potential donors do not wish their gifts to go to the City. The MOTION that the amendment be submitted to the membership at the annual meeting was SECONDED and unanimously APPROVED.

Nominating committee: Peter, Henry, and Jim Broderick agreed to serve; a MOTION to appoint the committee was SECONDED and unanimously APPROVED.

Angino update: (Duane) \$1.5 million will be requested from the Community Preservation Committee; given this, a developer offers to pay \$1.5 million for ownership of the entire property, giving a conservation restriction while restoring the existing house and building two new homes by right. It is hoped to form a farm coalition for the open space.

Forte update: (Ted) "Plan E" has been approved by the Conservation Committee and the Planning Department; it will be displayed at the annual meeting.

Spring Lecture reminder: Brendan Whittaker will lecture on Thursday, May 20.

Kessler update: (Eric) Cornerstone has submitted its plan for approval of a subdivision off Brookline Street to the City. Approval for the 13 unit subdivision is being sought. There will be an outlet to Harwich Road, and more open space than in earlier plans.

Following Eric's suggestion , Duane MOVED that if we find the plans satisfactory, we should advocate for aldermanic approval. The motion was unanimously APPROVED.

Approval of Minutes: The March minutes were corrected: p. 3, "Conservation Restrictions" - Ann reported (not Beth). Approval followed.

Meeting dates: The Conservation Commission meets on the last Wednesday of each month, conflicting with our fourth Wednesday on 8 months. AnnaMaria will look into possible places for another Wednesday of the month.

Adjournment: at 10:25 PM.

Respectfully submitted,
AnnaMaria Abernathy, secretary

Newton Conservators, Inc.
Forty-third Annual Meeting
Wednesday, June 2, 2004
American Legion Post 440
295 California Street, Nonantum, MA

MINUTES

President Eric Reenstierna opened the meeting at 7:55, by thanking Alderman Salvucci for arranging the location and Newtonville Camera for lending equipment, as well as the annual meeting committee.

He noted a change in directors: Stephanie Bacon has left the board, having moved to Maine. And Dan Green has joined the board.

He thanked Alex and Ginny Wilmerding and Carol Fine Freedman for their gifts of land.

Katherine Howard gave the Treasurer's report; a MOTION to accept it was SECONDED and unanimously ACCEPTED*.

Eric read the Audit Committee report, which was also ACCEPTED*.

An amendment to Article II, Section 1 of the by-laws,* specifying that in the event of the dissolution of the Conservators, their property and assets shall be transferred to one or more conservation organizations (and not, as previously, to the City of Newton), was approved by a vote of 41 in favor, one opposed.

It was announced that the Environmental Science Program had two spaces available. A MOTION to authorize \$1000 grant for scholarship to the ESP was SECONDED and approved.

Deborah Howqard thanked the Conservators for the bench given in memory of Will O'Brien; a ceremony was to be held on June 6.

Next the President gave his annual report, appended. He concluded it with special thanks to Doug Dickson, Duane Hillis, Katherine Howard, Ted Kuklinski, and Bill Shaevel.

Peter Kastner gave the nominating committee's report*. The slate of officers remained unchanged, with the exception of two resignations from the board. Also the advisors remained as before. A MOTION to elect these officers was SECONDED and unanimously APPROVED.

The DIRECTORS AWARDS were given to

Judy Hepburn, Lucy Caldwell Stair, and Pat Robinson – the team responsible for the new “Walking Trails” map guide;.

Maxine Rosenberg, the recently retired Science Coordinator for the Newton Public Schools, for her support of our grants program since its inception.

Lucille Riddle, the recently retired Animal Control Officer, for her devoted work with animals.

The CHARLES J. MAYNARD AWARD went to Stephanie Bacon for her work on the Hammond Pond water quality reclamation.

Mayor David Cohen received the ENVIRONMENTALIST OF THE YEAR award. Doug Dickson explained that the City acquired Kessler Woods thanks to two reasons: one was the availability of CPA funds, the second was the single-minded effort of Mayor Cohen; he listed the complex steps involved in achieving that success..

Doug Dickson introduced the speakers at 8:35: Renata von Tscherner and Karl Haglund, on “Inventing the Charles River” – the history and the present of the Charles River Basin.

The meeting closed at 9:40 PM.

Respectfully submitted,
AnnaMaria Abernathy, secretary

* Text appended to these minutes