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From: DolanPond@aol.com
Sent: Monday, April 07, 2008 2:35 PM
To: undisclosed-recipients:
Subject: Newton Conservators e-Bulletin: Crystal Lake vote tonight!

Newton Conservators e-Bulletin
Monday, April 7, 2008
Crystal Lake Vote is Tonight!

We had intended to provide a full e-Newsletter today and you should be receiving that in the next several days. It will contain all the exciting upcoming events related to the mission of the Newton Conservators. Thanks for reading on! This is a special Newton Conservators e-Bulletin to alert you that the aldermanic vote on the CPA acquisition of **230 Lake Ave**, a keystone piece for a unified south Crystal Lake Park, is scheduled for **this evening Monday evening, April 7**. The vote is expected to be very close and, due to it being a real estate transaction, must receive a two-thirds majority of all the alderman to pass (16 votes out of 24 possible). As of the last vote in March there were 15 aldermen who were in favor of the project. We urge you to inform yourself on the benefits of this project – we have provided some additional information below.

As you know, the 230 Lake Ave measure failed to pass with the 2/3 required majority when it was considered on March 19. At the time of that vote, one member (Carleton Merrill) unexpectedly had to take his wife to the hospital and another (Verne Vance) was out of town (and will be out of town for tonight's vote). At the time of the previous vote, information had just come to light early that evening as to the existence of an interested buyer for the reduced property. Since that time, there have been a number of parties with serious interest in the property as it will be configured. Currently, we are aware of the existence of three letters from such parties expressing intent and interest in the property which I trust will be circulated to the Board. On Monday, you will be asked to vote to reconsider the item and I hope that you will do so in light of the current circumstances.

The Newton Conservators are strongly behind this project and there is some clarification on the question of the caretaker role in the information below. In addition, you may have seen an opinion piece in this past week's Tab by Sonya Kurzweil - a response by Crystal Lake Task Force member Schuyler Larrabee is also included.

The Newton Tab has posted a poll on 230 Lake Ave on their website at <http://blogs.townonline.com/newton/> Scroll down to the poll on Crystal Lake and let your opinion be counted. You could also comment there on the matter if so inclined. Also on the agenda tonight is the "Leaf Blower Ban" proposed by Ald. Ted Hess Mahan. Please check out his opinion piece in last week's Tab.

We wanted you to be aware of this important information. The 230 Lake Ave matter is first on the agenda in second call for the BOA. It could be taken up at around 8:15 pm or so. You can catch the action on NewTV cable. Or better yet - come over to City Hall and make your presence known. It's sure to be interesting.

Ted Kuklinski
 Editor - Newton Conservators e-Newsletter and e-Bulletin

INFORMATION ON THE 230 LAKE AVE PROPOSAL

I'm sure that you have gotten plenty of information and citizen input on this project. Some of the salient information is provided below.

Votes on March 19

Here is how the previous vote on 230 Lake Avenue went on March 19:

Susan Albright: YES
 Victoria Danberg: YES
 Ted Hess-Mahan: YES
 Scott Lennon: NO
 Ken Parker: YES
 Greer Tan Swiston: YES
 Bill Brandel: YES
 Mitch Fischman: YES
 Jay Harney: NO
 Stephen Linsky: NO
 Anthony Salvucci: NO
 Verne Vance: *Absent*
 Allan Ciccone: NO
 John Freedman: YES
 Marcia Johnson: YES
 George Mansfield: NO*
 Amy Sangiolo: YES
 Brian Yates: YES
 Paul Coletti: NO
 Lenny Gentile: NO
 Cheryl Lappin: NO
 Carleton Merrill: *Absent* **
 Sydra Schnipper: YES
 Lisle Baker: YES

*Indicates last-minute vote change to move the item into reconsideration.
 ** Carleton Merrill was absent due to a last minute family medical emergency

230 Lake Avenue is the keystone

The division of the property is yet to be determined. However, a lot of land that appears to be part of the Rogers Street property actually belongs to 230 Lake Avenue. The cyan line dividing the 230 Lake property in the map below illustrates a one possible division that is similar to what was circulated with the revised proposal. The possible easement area is also shown that would connect city owned portions.



The Current Proposal:

... revised proposal for the acquisition of the property located at 230 Lake Avenue. This proposal would use **Community Preservation Act** funds to acquire the parcel at its **appraised value of \$1.9 million** in the following way:

The City would use CPA funds to acquire the property from Mrs. Sciegienny by means of a **friendly taking**.

The City would subdivide the property into a **15,000 square foot** lot containing the house which would then be resold, with the proceeds of the sale returning to the CPA fund.

The City would **retain an approximately 8,000 square foot** lot adjacent to 20 Rogers Street, and an **easement** along the rear of the house lot along the lakefront as a **connection between the City's land at Levingston Cove and the 20 Rogers Street property**.

Acquisition in this manner does not require placement of restrictions at the time of closing; however, as a condition to any resale, the **front façade of the house and its setting would be protected by a historic preservation restriction**, as well as a **conservation easement** along the lakefront.

Although I expect the City will be successful in marketing the property, in the event that the City is unable to find a buyer for the house lot after a reasonable time, then and only then would the City consider demolishing the house and placing a conservation restriction over the entire house lot. **(Note that this provision has been replaced and an amendment made to guarantee that the house would be preserved).**

This approach has the benefit of an **accelerated timeline** because **restrictions would not need to be approved by the appropriate state agencies prior to closing**, and it also allows for more flexibility if the City is later unable to sell the house lot.

Acquisition of 230 Lake Avenue gives us the opportunity to connect City properties along Crystal Lake and create a recreation resource for future generations;

Buyers

The seller has been very patient with the process and if the motion fails on April 7, the property would likely go on the market immediately to take advantage of the spring selling season. There has been contention in some quarters that it would be difficult to find buyers interested in a property with all restrictions that would be associated with the configuration discussed here. That has not proven to be the case. Apparently there has been interest in the property in both its full form and in its reduced form. My understanding is that there are at least three potential interested parties who have written some form of a letter of intent

Property Valuation

The current appraisal value of 230 Lake Avenue was put at \$1.9M. The original asking price for the property on the market was \$2.5M. The original CPA proposal called for purchase of the property at \$1.95M, of which \$1.4M would come from CPA and \$550K from other city funds. The current proposal calls for \$1.9M to be paid by the city wholly from CPA (a reduction of \$50K in asking price).

There has been an unknown as to the value of the reduced property (15000 sq ft lot with easements, historic and conservation restrictions). At the CPA hearing, a potential sale price of around \$1M for such a lot was discussed. Alderman Johnson had requested some information from RE professionals, specifically from one with whom she was familiar (Barbara Edsall). In addition, two other value estimates (based on comparables) from other firms were obtained and some copies of these were circulated just before the previous vote. Janet Edsall's was provided verbally to Ald. Johnson. The others could be made available (Ald. Johnson and Mansfield have paper copies). Here is a summary of the real estate estimates:

RE/MAX	Janet Edsall	\$860,000
William Raveis	Barbara Wales	\$950,000 to \$1,025,000
Prudential	Nancy LaBranche	\$1,200,000

The \$1M original estimate is not an unreasonable estimate of value for the reduced property. The Newton Tab's editorial this past week mistakenly asserted that there was an expectation of \$1.5M for the subdivided property - <http://www.wickedlocal.com/newton/homepage/x1775731991>

Caretaker

At the Board of Alderman meeting on Monday, March 19, 2008, there was some discussion on the question of a caretaker for the 230 Lake Avenue house until a buyer could be found (given that the city acquired the property). Reference was made in the discussion to an undisclosed member of the Newton Conservators who was willing to fulfill that role. There was some sensitivity to the disclosure perhaps due to personal reasons of the party in question. In any event, that person is apparently no longer a candidate since they have since found another living situation.

Understandably, situations change, and it is difficult to get a commitment from any specific party in a fluid situation where there is an indeterminate start date and length of

stay. However, the Newton Conservators understand the possible need for the city and the aldermen to have a commitment of someone in a caretaker role for 230 Lake Avenue. They also believe that finding such a caretaker, particularly in light of the current buyer interest in 230 Lake Avenue, would be quite feasible. Consequently, at its board meeting held on March 23, 2008, the Newton Conservators unanimously approved a motion that, "if necessary, the Newton Conservators would use all reasonable efforts to find a caretaker for 230 Lake Avenue until a buyer is found." The Newton Conservators sincerely hope that this step addresses that particular issue for the aldermen who were concerned.

Crystal Lake Fund

As you may be aware, the Newton Conservators have agreed to accept and hold money for the Crystal Lake Conservancy until they achieve 501(3)c status. The addition of 230 Lake Avenue to the mix greatly enhances the possibility of fundraising by the Crystal Lake Conservancy. Prior to the previous vote, we had seen the following activity:

\$2200 in checks unrestricted(26 donors)
 \$ 950 in pledges unrestricted(7 donors)
 \$6590 in pledges contingent on 230 Lake being acquired (7 donors)

\$9740 total checks and pledges (unrestricted and contingent)

In addition, I have not included another very large (in the tens of thousands) contingent pledge from an anonymous donor. Also not included is the \$10,000 grant from the Solomon Fund. The point is that the purchase of 230 Lake Ave will greatly enhance fundraising capability with a much broader vision of a Crystal Lake Park.

Some Basic Points

- Provide a unified park connecting existing city park and open space - whole is worth more than the sum of its parts
- Crystal Lake is a resource which draws users from all over the city (demonstrated geographic distribution of user passes)
- CPA Purchase - state matching funds - Newton CPA funds are available and nothing in pipeline currently to change that
- Connection between Levingston Cove and Rogers Street via easement (possibly 2000 sq ft)
Easement allows buyer to have homeowner rights to lakefront (swimming/boating)
- Demonstrated buyer interest in subdivided property
- House preserved with historic easement on facade
- Conservation Restriction on lakefront
- House at 230 Lake Avenue remains in tax base at almost what it was before recent revaluation.
- Demonstrated Interest from multiple buyers for subdivided property.
- Master Plan for Crystal Lake approved and partly funded with \$15K Newton Conservators grant
- Fundraising more effective with complete vision
- A dedicated and committed group of volunteers who want to see Crystal Lake improved

Other Reference Information Online

- Official information on 230 Lake Ave from the city assessor's website can be found at: <http://www.ci.newton.ma.us/Assessors2003/InteractiveMap.asp?id=62001+0002&mid=62001+0002&cid=&cx=736634.522395603&cy=2943793.66811635&level=7&th=p&pd=x&dist=&lu=101&nb=2C&cm=sel&dd=a&x=267&y=223>
- The original CPA proposal for 230 Lake Avenue can be found at <http://www.ci.newton.ma.us/Planning/CPAC/09182007%20230%20Lake%20Ave%20proposal.pdf>
- The recommendations of the CPC regarding the original proposal are at http://www.ci.newton.ma.us/Planning/CPAC/fy08%20updates/11142007_lake_ave.pdf
- A Comprehensive Historical Sketch of Crystal Lake – in Newton Centre, Massachusetts with Incidental References to Interesting Events in the History of Newton (1911) <http://www.newtonconservators.org/images/crystallakebook1911.pdf>.
- The Crystal Lake Conservancy Community Participation and Fundraising plan is posted online at http://betterlake.com/wp-content/uploads/2008/02/Conservancy_plan.pdf.
- Information about the efforts of the Crystal Lake Conservancy toward improving Crystal Lake can be found at www.betterlake.com. In addition you can see the concept plan which includes 230 Lake Avenue.
- The Newton Tab's coverage on the vote of March 19 (Chrissie Long) can be found at <http://www.wickedlocal.com/newton/homepage/x1775731991>.
- The Newton Tab (Neal Simpson) had extensive coverage of the Crystal Lake situation prior to the March 19 vote in its 4/12 issue. <http://www.wickedlocal.com/newton/homepage/x1438205363>.
- An opinion piece by Schuyler Larrabee on "Why and how Newton should buy 230 Lake Ave" <http://www.wickedlocal.com/newton/news/lifestyle/columnists/x1870702917>
- Newton Tab category devoted to Crystal Lake items at <http://blogs.townonline.com/newton/?cat=31>

A Response to Sonya Kurzweil Opinion piece in Newton Tab

There was a prominent opinion piece in this past week's edition of the Newton Tab by Sonya Kurzweil. <http://www.wickedlocal.com/newton/news/opinions/x125182388>. This piece generated a strong reaction among Crystal Lake advocates since it was felt there were many statements made which are can be disputed. Schuyler Larrabee, who has been active in the Crystal Lake Conservancy and by profession is a planner for the state of Massachusetts, has prepared a point-by point response to the points made by Sonya Kurzweil. Since there will be likely be no intervening Tab before the vote I have included the following:

Dr Kurzweil:

I also learned a few other things from my folks: Open air and recreation in open space and water are very good things. Neighbors are friendly, and will watch out for others. People interested in recreation are not interested in vandalism or other such activities. And people in public will respect the privacy of others in their own yard.

I would like to respond to your points in detail:

You say "the city is unable to maintain its current properties at Crystal Lake." **Actually, given the minimal funding Parks & Recreation has to work with, they do an admirable job. You can't make things perfect with a shortage of funds. And you say, further, "Also, there is quite a bit of open space now at Crystal Lake, particularly with the acquisition of the one-acre adjacent to the Bathhouse." That is undisputedly true, but if the City buys 230 Lake Avenue there are some issues which can be resolved to the benefit of the 20 Rogers Street parcel: The lot line between the two properties intrudes into the 20 Rogers Street parcel; by revamping the lot line, and including a small part of 230's land, the subdivision of the land makes more sense, enables better redevelopment of the 20 Rogers Street parcel, and retains a small grove of trees that otherwise would be unprotected.**

Quoting you: "The house would exist virtually surrounded by public paths, a strange and somewhat inappropriate living situation for a homeowner . . ." **It is unclear to me how this is substantively different than 230's current situation, with public parcels on both sides. The only difference is the narrow path along the water's edge,**

which is also accessible to the owners of 230 Lake Avenue. Since it is an easement across the 230 parcel, the underlying ownership resides with the house, and all the rights to swim, launch unpowered boats, and so on, from their own waterfront, remain.

You state several points: "CPA money is not free; it still comes from taxpayers, half of it from Newton taxpayers. So it is misleading to think we are not paying for this." In fact, Newton's portion of the CPA funds comes from a 1% surcharge on property taxes paid to the City, so it's hardly a backbreaking amount, roughly \$60-70 per property owner, on average, for all CPA expenditures. And note that this is but one year's expenditure and not all of it at that; much of it will be returned to the CPA for other uses. The State's half does not come from taxes at all, but from a fee assessed on property transactions at the Registry of Deeds, something the average taxpayer would encounter only when buying or selling property. Even though only a minority of cities and towns have embraced Community Preservation and receive the matching funds, transactions in ALL cities and towns in the state are assessed this fee, so this is a very good deal for citizens of communities like Newton."

"There are potential costs with the house such as carrying costs, property taxes, legal fees, liability insurance, broker fees." **These are all one-time or short-term costs, and will not be a long-time burden to the City. Doing anything at all that is worthwhile costs money. There is no escaping this truth.**

"The plan is very complex in terms of interim caretaking, subdivision, conservation and rezoning." **In truth, the process is fairly simple and straightforward. Every one of these issues has been addressed. A willing, qualified and capable caretaker has been identified; the subdivision is a simple legal issue which the City can handle; the conservation easement is also a simple matter, completely within the City's capabilities; lastly, there simply is no rezoning whatever involved.**

"This goes without saying: We are in a very challenging real estate market — the most challenging in decades!" **With less impact in Newton than practically anywhere else in the Commonwealth.**

"The easement/privileges aspect of the proposal offered to the new owner is not viable. It grants privileges to the owner that citizens using the public park are not currently granted." **This is simply not correct. The privileges are the same as any owner of lakefront land, conveyed through state law because of Crystal Lake's status as a "Great Pond." And as to the viability, there have been several very interested buyers looking at the property, fully aware of the proposed city purchase and resale.**

"It is to be as an eminent domain taking." **I didn't bother to quote the rest of that paragraph, Sonya, because it is completely untrue, and amounts to fear-mongering.**

"The proposal has us spending upwards of \$1.5 million for the approximately 80-yard path and a (very small) bit of open space." **First of all, the total City expense will be not more than \$1.1 million, by the most conservative professional appraisals, and could be less. And as to the area, well, size doesn't matter, really. But the configuration does. This would very much improve the layout of the property lines, and save trees which could very well be cut down by a private owner of 230 Lake Avenue. It also connects two publicly owned pieces of lakefront land.**

"But the space needs to be closed off in some fashion in order to run a fee-based center." **For two and a half months of the year, yes, that is true, and several concepts for how to do that have already been devised. This is the point of the Master Plan the city has voted to fund. The rest of the year, the parkland will be open to the public, even neighbors such as yourself. And this issue must be addressed whether 230 Lake Avenue is acquired or not. But having access across 230 provides more options allowing access to parkland and shorefront, while controlling beach access during the summer season.**

"While creating and connecting open space is generally a desirable goal, there is in fact not much open space created and ultimately connected." **I am not sure how you can say that, when above you say: "there is quite a bit of open space now at Crystal Lake, particularly with the acquisition of the one-acre adjacent to the Bathhouse." It's connecting that "quite a bit of space" which is 1.77 acres, with Levington Cove, in itself, another half acre. The uninterrupted shoreline would be over two-tenths of a mile.**

"Thus, the proposed park/path backyard does not seem that special. It does not come close to justifying the expense, risks, time spent, various manipulations and devaluation of the property and potential devaluation of the neighborhood that could result. When all is said and done, the Alternative Proposal does not improve over the original." **All judgment calls. And there are many, many others who feel very much differently. And, incidentally, it is likely to raise nearby property values, not devalue them.**

"As others have said, this deal is no "once-in-a-lifetime opportunity!" **I don't know how you can say that about a property that has been privately held since approximately 1923, and has been in the same hands for over 50 years. I, for one, believe it truly is a "once in a lifetime opportunity."**

"Resources are especially limited these days. Crystal Lake has been in decline for decades. What could be done instead? The Friends of Crystal Lake suggest the following two-step plan:

"Step 1: Create the new 20 Rogers park and preserve/recreate the Bathhouse with a CPA grant and, if necessary, private funding. We have suggested a cost-effective plan for this. CPA funds may be applied to this project (as we have been saying for many months)." **It is not legal to use CPA money for renovation of the bathhouse, since it was not acquired with CPA funds. That has been discussed and explained in meetings you have attended and participated in, yet you persist in proposing this.**

"Step 2: Create a trust, administered by a nonprofit organization (like the Central Park Conservancy) to maintain the city properties (maybe even the streets and sidewalks) at Crystal Lake. There are many in the Crystal Lake neighborhood willing to contribute to a long-term, comprehensive maintenance plan like this one."

Sonya, this is such a great idea that others have already thought of it and have acted to begin forming just such an organization. We have been approaching citizens with the idea of donating funding, and we've been warmly received, with cautious offers of substantial funding. This is not the idea of the "Friends of Crystal Lake," and you should not claim it to be so. I have publicly asked you to identify the membership of your "Friends," to which you agreed, but you have yet to do so; thus I really wonder just who has nominated you as spokesperson. I am working with another group, whose membership is no secret, and I'd be pleased to identify them to anyone who asks.

"In conclusion, if you can't take care of something, don't buy it. Don't buy what you don't need. There are some things not worth the money. There are some things not worth the trouble. Spend your money wisely. Be a good neighbor. Uphold the opposition. Endorse the two-step plan. Welcome to a whole new era at Crystal Lake!

Sonya, my conclusions are quite different, yet the same: There are things that are worth the money, and this is one of them! There are things that are worth the trouble to achieve, and this is one of them. This is a wise investment of public funds for the public good. And yes, you're right: Be a good neighbor. But that means getting behind a better Crystal Lake, and then, welcome a whole new era at Crystal Lake!

Schuyler Larrabee is a member of the Mayor's Task Force on Crystal Lake

Here is another opinion provided by Lois Levin in response to the same piece:

The purchase of 230 Lake Ave and plan to create a path along the lake is a win-win situation for the city. A Guest Column in last week's TAB makes two ludicrous claims. The first claim is that, as a result of creating a path along the lake, "The house would exist virtually surrounded by public paths". The other ludicrous claim is that the path will lead to "a gross devaluation of a beautiful property".

I am a psychologist, not a realtor, but any realtor can tell you that well-maintained and popular paths and trails enhance the property values of abutters, often substantially. It also seems obvious that the greatest benefit from the path will be to the Crystal Lake neighbors who must now walk on the street.

Just as Open Space is limited, financial resources are limited. Policy recommendations must be prudent. The Newton Conservators has consistently promoted visionary and financially-sound policies to preserve open space. Their efforts to move this project forward deserve the enthusiastic support of all of Newton's citizens.

- Dr. Lois A Levin

How to Contact Your Aldermen

If you have some opinions on 230 Lake Ave, the Leaf Blower issue or other issues before Board of Aldermen, why not use the democratic process and let your elected officials know of your concerns? Contact information for the Board of Aldermen can be found on the city website at <http://www.ci.newton.ma.us/Aldermen/index.asp>. Check it out and get to know your aldermen! Below is some information derived from there organized by Ward. If you are not sure which Ward you live in the city website provides a convenient map at <http://www.ci.newton.ma.us/MIS/GIS/Maps/SmWardMap.pdf>. Ward Aldermen are only elected by voters within their ward. Aldermen At Large are on the ballot in all of Newton.

Scott Lennon,	1 Ward	617-584-5723,	sflennon@comcast.net
Carleton Merrill,	1 At Large	617-244-2421,	(no email)
Allan Ciccone, Jr.,	1 At Large	617-965-2690,	allancicconejr@comcast.net
Stephen Linsky,	2 Ward,	617-796-1701,	slinsky@newtonma.gov
Marcia Johnson,	2 At Large	617-965-4920,	marcia@marciajohnson.org
Susan Albright,	2 At Large	617-527-7108,	salbright@newtonma.gov
Anthony Salvucci,	3 Ward,	617-244-2509,	asalvucci@newtonma.gov
Ted Hess-Mahan,	3 At Large	617-795-7220,	thessmahan@newtonma.gov
Greer Tan Swiston,	3 At Large	617-308-7906,	aldermanswiston@gmail.com
Jay Harney,	4 Ward,	617-332-4283,	jayharney@rcn.com
Leonard Gentile,	4 At Large	617-527-5446,	lennypmgi@aol.com
Amy Mah Sangiolo,	4 At Large	617-969-0677,	sangiolo@rcn.com
William Brandel,	5 Ward,	617-332-0719,	bill@billbrandel.org
Paul Coletti,	5 At Large	617-965-3654,	Nesi49@aol.com
Brian Yates,	5 At Large	617-244-2601,	byates@newtonma.gov
George Mansfield,	6 Ward,	617-969-1479,	gmansfield@newtonma.gov
Victoria Danberg,	6 At Large	617-969-1756,	vdanberg@aol.com
Kenneth Parker,	6 At Large	617-965-3723,	ken@kenparker.org
Lisle Baker,	7 Ward,	617-566-3848,	AldermanBaker@comcast.net
Sydra Schnipper,	7 At Large	617-965-2331,	Sydra_Schnipper@verizon.net
Verne Vance,	7 At Large	617-232-5494,	vvance@rcn.com
Cheryl Lappin,	8 Ward,	617-796-1723,	Clappin@newtonma.gov
Mitch Fischman,	8 At Large	617-964-2848,	mfischman@daylor.com
John Freedman,	8 At Large	617-243-9509,	johnfreedman@comcast.net

The following is the email string for the Board of Alderman members (except for Alderman Merrill who does not list an email) plus the City Clerk. This is also derived from the contact information on the city website at <http://www.ci.newton.ma.us/Aldermen/index.asp>

AldermanBaker@comcast.net, aldermanswiston@gmail.com, allancicconejr@comcast.net, asalvucci@newtonma.gov, bill@billbrandel.org, byates@newtonma.gov, Clappin@newtonma.gov, gmansfield@newtonma.gov, jayharney@rcn.com, johnfreedman@comcast.net, ken@kenparker.org, lennypmgi@aol.com, marcia@marciajohnson.org, mfischman@daylor.com, Nesi49@aol.com, sangiolo@rcn.com, salbright@newtonma.gov, sflennon@comcast.net, slinsky@newtonma.gov, Sydra_Schnipper@verizon.net, tedhess-mahan@rcn.com, Vdanberg@aol.com, vvance@rcn.com, dolson@newtonma.gov

Newton Conservators e-Bulletin

The e-Bulletin is published on occasion by the Newton Conservators, Newton's Open Space organization for over 45 years! Check out our website at www.newtonconservators.org. Contact us at dolanpond@aol.com.

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