



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee Funding Recommendation for Hammond Pond Parkway – Land Acquisition

date: 18 November 2019

from: Community Preservation Committee

to: The Honorable City Council

cc: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

This project will protect Newton's largest contiguous forest, a vernal pool and established walking trails at 300 Hammond Pond Parkway through the fee, eminent domain taking by the City of Newton of approximately 17.4 acres currently owned by Boston College, as shown on the plan entitled "Taking Exhibit," dated 7 October 2019 and attached to this recommendation. As required by the Community Preservation Act, the Newton Conservators will hold a permanent conservation restriction on the land taken by the City of Newton. Of the property Boston College purchased from Congregation Mishkan Tefila in 2016, the College will retain 8 acres, including the former temple building, the main parking lot facing Hammond Pond Parkway, and a small rear parking lot.

The project is eligible for CPA funding as both the acquisition and preservation of open space.

RECOMMENDED FUNDING

On 12 November 2019, the CPC recommended total CPA funding of \$15,740,000 for this project, through the following combination of debt authorization and direct funding:

Uses of Funds	
acquisition cost (pro tanto award)	\$15,200,000
conservation restriction stewardship grant to Newton Conservators	\$15,000
other costs, including fees, legal and associated costs, bond issuance	\$725,000
Total Uses	\$15,940,000
Sources of Funds	
CPA funding: debt authorization (30-year)	\$15,000,000
CPA funding: direct funding	\$740,000
community donation toward acquisition cost (pro tanto award)	\$200,000
Total Sources	\$15,940,000

The three funding motions adopted by the CPC for this project appear on the following page. All 8 current CPC members participated in these votes. The Mayor's appointment of the ninth CPC member, to represent historic resources, is currently pending.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

1. LAND ACQUISITION METHOD and FUNDING (DEBT AUTHORIZATION)

Adopted by the CPC on 12 November 2019 by a vote of 7 in favor, 1 opposed (Robert Maloney). Please see reasons for the opposing vote under **Special Issues Considered**, below:

The CPC joins with the Conservation Commission in recommending that the City of Newton take in fee, by eminent domain, for open space purposes the approximately 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway as shown on the plan, entitled "Taking Exhibit," dated 7 October 2019 and attached as page 4 of this recommendation.

The CPC further recommends that for pro tanto compensation for this eminent domain taking, the City Council authorize the treasurer to borrow \$15,000,000, issuing any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44B, Sect. 11, or any other general or special law, for a period of 30 years. As required by Chapter 44B, Sect. 11, all proceeds from general obligation bonds or notes issued under this authorization shall be deposited in the Community Preservation Fund.

The Community Preservation Committee further recommends that any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes, shall be deposited in the Community Preservation Fund's restricted fund balance for open space.

2. GRANT to NEWTON CONSERVATORS for CONSERVATION RESTRICTION

Adopted by the CPC on 12 November 2019 by a vote of 7 in favor, none opposed, 1 abstaining (Dan Brody, as a member of the Newton Conservators Board of Directors):

The CPC recommends that, for a grant to the Newton Conservators, Inc., to hold the conservation restriction required by General Laws Chapter 44B, Sect. 12 on the land to be taken by the City of Newton by eminent domain at 300 Hammond Pond Parkway, \$15,000 be appropriated to the control of the Planning & Development Dept. from the Community Preservation Fund's Fiscal 2020 Open Space Reserve.

3. FUNDING of LEGAL and OTHER COSTS for LAND ACQUISITION

Adopted by the CPC on 12 November 2019 by a vote of 8 in favor, none opposed:

The CPC recommends that, for legal services and other costs required for the eminent domain taking of 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway, including for any associated litigation, \$725,000 be appropriated to the control of the Law Dept. from the Community Preservation Fund's Fiscal 2020 Open Space Reserve and restricted fund balance for open space.

SPECIAL ISSUES CONSIDERED BY THE CPC

The CPC understands the compelling ecological, recreational and other reasons for preserving the approximately 17.4 wooded acres the City proposes to acquire at 300 Hammond Pond Parkway. Nearly all community letters sent to the CPC and statements at the Committee's 6 November 2019 public hearing supported preservation of the woods, including even most letters and comments that focused on concerns about the proposal. The major concerns expressed were about the use of eminent domain and about the potential impact of the funding requested for this project on the CPC's and City Council's ability to fund other, future CPA-eligible projects.

Land acquisition method: The CPC recognizes that the Mayor proposed the use of eminent domain only after a sustained but so far unsuccessful search for other effective ways to protect the undeveloped woodland at 300 Hammond Pond Parkway. The CPC hopes that negotiations between the City and Boston College toward this goal will continue.

Funding method and availability of CPA funds for other projects: The CPC understands the public's concern about the potential impact of this large funding commitment on the availability of CPA funds for other worthwhile, CPA-eligible projects. After careful discussion, the Committee voted to recommend a 30-year term for the project's debt financing, in large part to ensure that the largest possible proportion of Newton's current

and future CPA funds will remain available for other projects. In reaching this recommendation, the Committee considered: the City's practice of structuring long-term debt with slowly declining annual total payments; expectations about gradual growth in future CPA program revenue that the Committee as a whole considered reasonable; and expectations about interest rates that the several CPC members with professional financial expertise considered reasonable. If its recommendation for 30-year debt financing is accepted, the CPC firmly believes that by far the bulk of current and future CPA funds will be available to support other projects in all CPA-eligible categories, including affordable housing, historic resources, and the rehabilitation of existing public recreation and conservation land, as well as additional land acquisition opportunities.

Broadening public access: Although CPC member Robert Maloney supported the proposed land acquisition, he voted against the motion for debt financing because of his concern that the proposal as submitted did not directly address the need to provide equitable access to the woods for the large majority of the public whose local or statewide CPA contributions will be used to fund this land acquisition, but who do not live within walking distance of the site. Many members of the CPC who voted in favor of that motion also shared this concern. Chief Environmental Planner Jennifer Steel explained that the state Dept. of Conservation and Recreation, which owns both abutting conservation land and Hammond Pond Parkway itself, is planning significant access improvements along the Parkway, with some construction expected to start in 2020. Both these plans and the CPC's concerns are reflected in the **Additional Recommendations & Goals** below.

Additional public outreach and education about CPA: The public's letters, hearing comments, and online discussions about this proposal suggested that many current Newton residents are not familiar with how CPA funds may be used or with Newton's CPA funding process and resources. The CPC's commitment to additional public education and outreach is reflected in the **Additional Recommendations & Goals** below.

ADDITIONAL RECOMMENDATIONS & GOALS

1. The CPC hopes that the City Council will authorize all borrowing and appropriate all direct funding recommended here as soon as practical after the date of this recommendation.
2. Upon completion of this land acquisition, the CPC strongly urges the Mayor, City Council and City departments to work with the Dept. of Conservation and Recreation in using appropriate resources, including non-CPA funding, to create new directional and site signage and to improve parking for the public on both the Hammond Pond Parkway and Newton Centre sides of 300 Hammond Pond Parkway.
3. The CPC looks forward to working with the Mayor, the City Council, and community organizations to enhance Newton residents' understanding of the Community Preservation Act, Newton's CPA funding process, and funding opportunities through Newton's CPA program.
4. The CPC expects that any CPA funds appropriated but not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on the City's long-term success in preserving the conservation and recreation character of the undeveloped woodland at 300 Hammond Pond Parkway; and on the City's shorter-term success in broadening public access to these woods.

ATTACHMENTS delivered to City Clerk on behalf of the City Council:

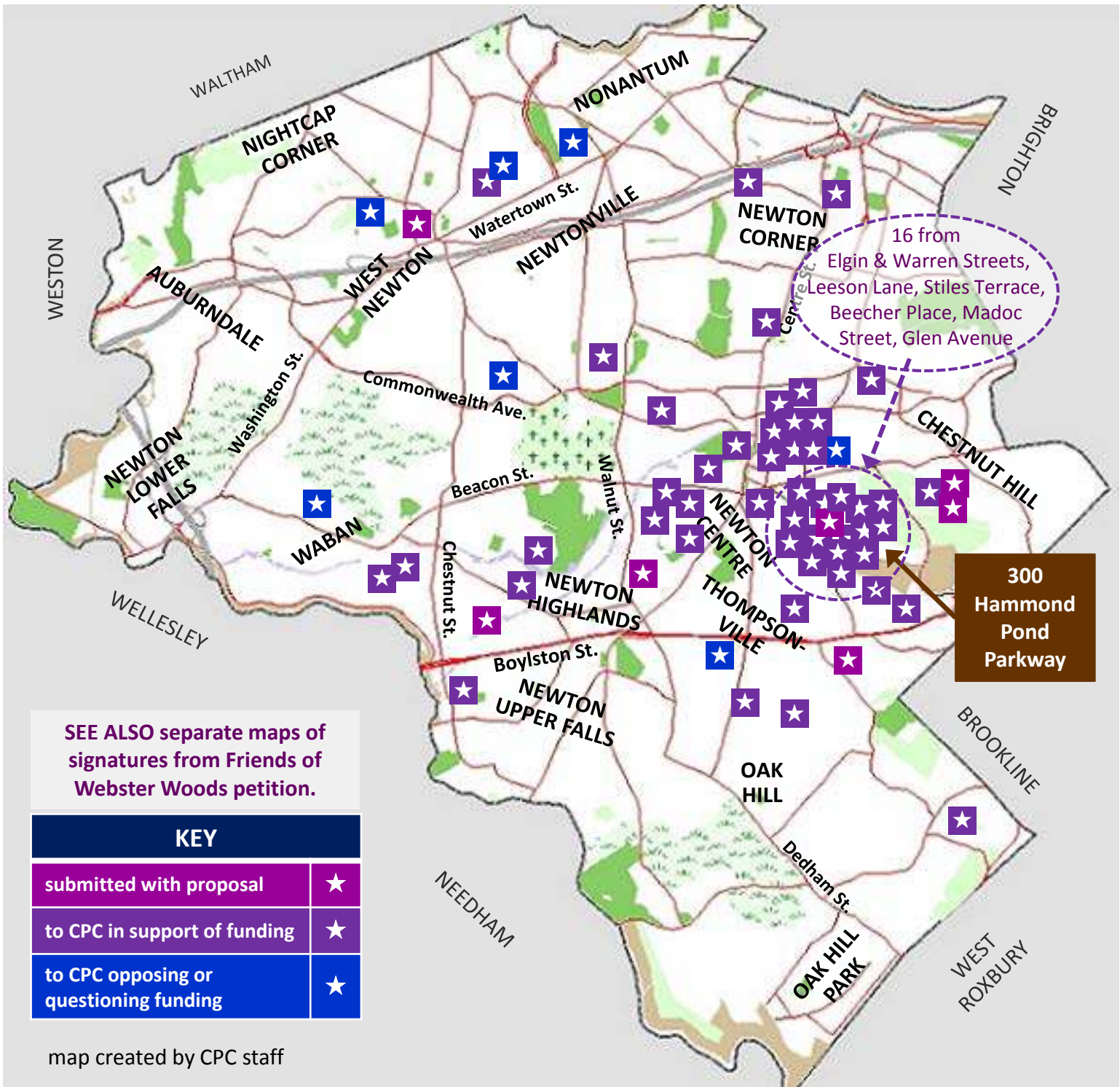
- "Taking Exhibit" (map) dated 7 October 2019, also included in proposal submitted to the CPC
- Public hearing presentation to the CPC on 6 November 2019
- Proposal submitted to the CPC on 7 October 2019
- Maps from online file of community letters and petition submitted to the CPC
- Additional information, including the text of community letters and list of petition signatures, is available on the CPC's 300 Hammond Pond Parkway webpage:

www.newtonma.gov/gov/planning/cpa/projects/webster.asp#Webster

Attachment 6. (cont'd) MAPS: Map of the Webster Woods Parcel



**300 Hammond Pond Parkway (“Webster Woods”)
Letters & Public Hearing Statements by Individuals or Households
to the Newton Community Preservation Committee
through 11 November 2019**



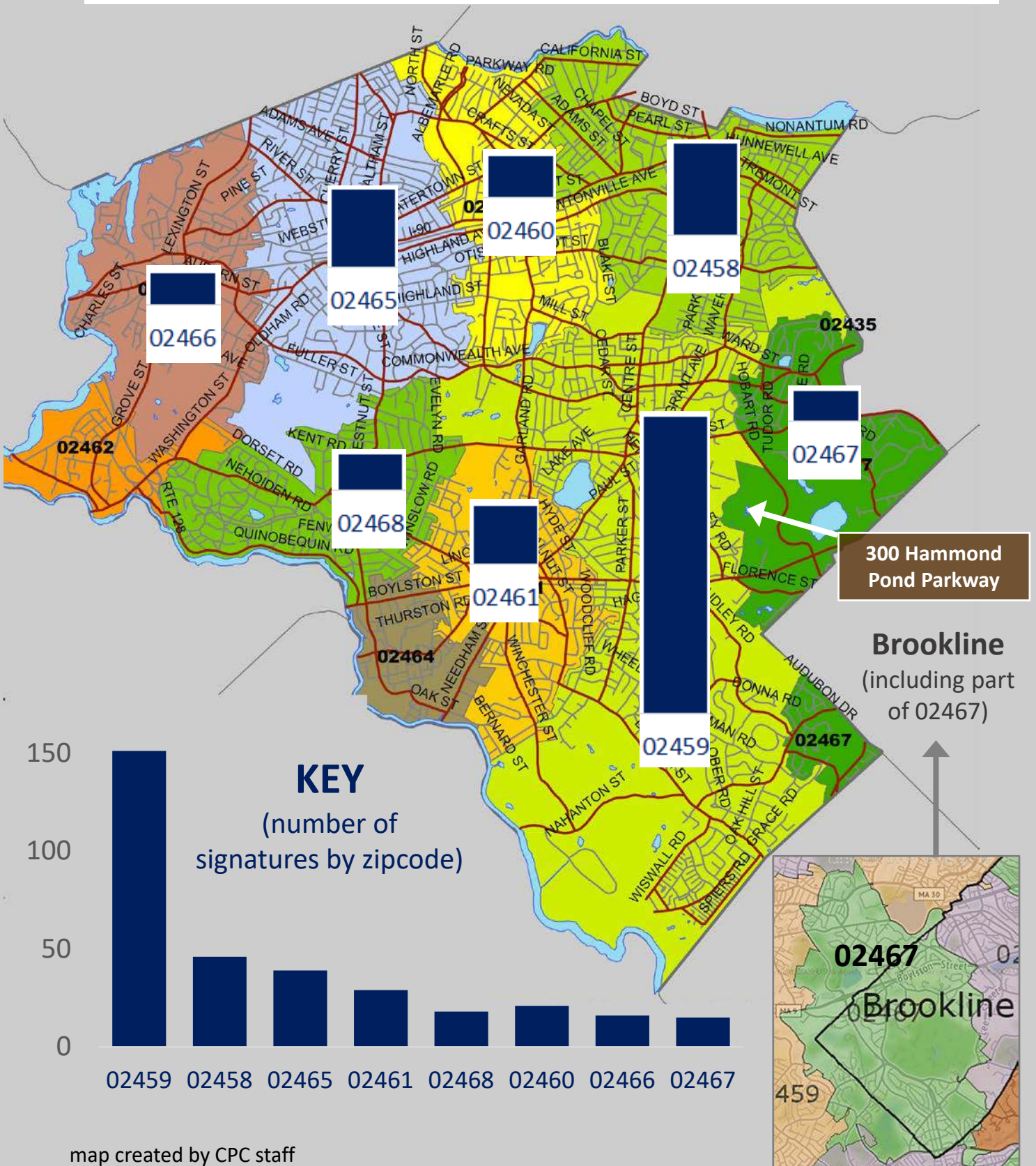
Major street

NEWTON VILLAGE or NEIGHBORHOOD

BORDERING CITY/TOWN

On Newton’s CPA Program website, www.newtonma.gov/cpa, the funding proposal and letters sent directly to the CPC are available from the link for [300 Hammond Pond Parkway](#) under [Proposals & Projects – Pending](#) or directly from this project page: www.newtonma.gov/gov/planning/cpa/projects/webster.asp#2019-acquisition

300 Hammond Pond Parkway ("Webster Woods") Signatures by Newton Zip Code on Friends of Webster Woods Online Petition of Support, as of 7 November 2019



Friends of Webster Woods Online Petition

Signatures with Determinable Newton Addresses as of 24 October 2019

