



Zoning & Planning Committee Report

City of Newton **In City Council**

Monday, November 27, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Kalis, Yates, Sangiolo and Baker

Also Present: Councilors Fuller and Crossley

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Rachel Blatt (Urban Designer), Amanda Berman (Housing Development Planner), Alice Ingerson (Community Preservation Program Manager), Maura O'Keefe (Assistant City Solicitor), Jonah Temple (Assistant City Solicitor), John Lojek (Commissioner, Inspectional Services Dept.), Karyn Dean (Committee Clerk)

195-15(3) Request to acquire land at 300 Hammond Pond Parkway

ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES

requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land.

Action: Zoning & Planning Held 8-0

Note: The docket item requests that the City acquire two parcels of land at 300 Hammond Pond Parkway which are adjacent to a third parcel, on which the former Mishkin Tefila building and parking lot are sited. Boston College is the current owner of the property. Councilor Baker provided a PowerPoint presentation, which is attached to this report. The presentation includes more details and history of the land. Councilor Baker wanted to remind the Committee that the Council passed a Resolution, which asked that the Mayor work to preserve the recreational conservation character of the open space parcels. As a response to that Resolution, the Planning Department has been working on getting an appraisal of the site. The appraisal information was provided via a link to the full document and a summary was provided with the Planning Memo.

James Freas, Deputy Director of Planning, reviewed the appraisal summary and provided a map of the site as well (both attached). The summary shows costs of each parcel based on certain conditions such as a perpetual conservation restriction or claims of easement by prescription. The cost to acquire the two parcels would be just under \$5M, with neither of these conditions applied. In response to that review, Councilor Baker explained that "easement by prescription" is a doctrine whereby if you occupy somebody's property and you are visible and doing it without the property

owner's consent for over 20 years, you can acquire title to it. If you are dealing with, perhaps, walking across someone's back yard for 20 years to get to the beach, you can acquire an easement, which is different. The property owners still own the property, but you would have right to a right-of-way across the land. In the case of the Hammond Pond parcel, a document provided by some of the neighbors stated that for more than 20 years that had been walking through the site on a continuous basis. So even though the general public may not have any rights, certain individuals may have acquired rights and those rights might change the value of the land because it makes is less easy to develop.

It was asked if there was any interest by Boston College in selling the developed parcel of land adjacent to the two open space lots. James Freas noted Boston College paid about \$22M for all three parcels, which makes the developed parcel valued at about \$17M and likely cost prohibitive

Alice Ingerson provided a handout on Community Preservation Program Finances, which is attached. Please refer to it for details of funds and projects. Ms. Ingerson noted that there is a substantial fund balance but also some very substantial funding requests. There is zero debt service right now. She thinks the Community Preservation Committee (CPC) would not like to commit half of its expected annual revenue to debt service for years, but that would probably not be necessary for a \$5M acquisition. There has been a nameless allocation for some time now for \$5M for acquisition, which can now be attached to this Webster Woods purchase. The City has not made an open space acquisition for a very long time and this purchase would be within the range of CPC allocation targets.

Councilor Baker explained that the process moving forward would involve the Executive Department. Councilor Fuller noted that Mayor Warren would like the current Ward 7 Councilors and herself, as future Mayor, to take leadership on this. She knows she will have partners in the future Councilors from Ward 7 and she believes it is a very important parcel for the City and she would move with all deliberate speed to acquire it. Councilor Baker said that Boston College has seen the appraisal and that at some point the City will be speaking with them.

Several Committee members noted that this is a once in a lifetime opportunity to acquire significant open space. It is exactly the kind of project Community Preservation Act money should be used for and is valuable land as a natural resource.

A Councilor noted that the area has been well used by off-leash dog owners and that there may be requests for that continued use.

Beth Wilkinson said the Newton Conservators would very much like to see this land preserved. Its preservation important for the parcels on either side of the land as well as it will. She also noted that there is a significant contribution offer on the table so there could be some private funding for the purchase.

Thanks were given to Councilor Baker, Jennifer Steel and the Newton Conservators for the work done on this project. Councilor Baker asked that a new docket item be submitted in the new term to continue the process of acquisition. The Committee voted to hold this item and re-docket an item in the new term.

#140-14 Zoning amendment for lodging house ordinance

ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.

Action: Zoning & Planning Approved 7-0-1 (Councilor Baker abstaining)

Note: Both the Zoning & Planning Committee and the Planning & Development Board held and then closed a Public Hearing on this item on October 11. The Planning & Development Board met again on the item on November 6 and voted to approve the zoning amendment. Their recommendation is attached.

Rachel Blatt explained that Licensing Board discussed the item at their last meeting as well. The Licensing Board decided that they needed more time to look at the licensing regulations as they would be the body issuing the licenses. She explained that the recommendation from the Planning Department is to approve the zoning amendment piece of the ordinance with language that the effective date will coordinate with the adoption of the regulations. The Licensing Board does not meet again until after the last City Council meeting of the year, therefore, a new docket item will have to be filed for the licensing regulations in the new term.

Committee Questions/Comments

It was asked how residents would be notified of a hearing to license a lodging house. Ms. Blatt explained that a notice is sent via certified mail to all abutters. It was suggested that the noticing be expanded to 300 feet as is done in the special permit process.

A Councilor was concerned about the parking regulations, especially for the neighborhoods around Boston College. Students show up with cars and if they are living off-campus, there is a demand for parking. He is not in favor of having an upper limit of 6 parking spaces allowable for lodging houses and he felt parking could be regulated through the special permit process instead of limiting spaces in this way. Another concern was that the ordinance states the number of parking spaces may be reduced to zero if the lodging house were within a half mile of a commuter rail or a quarter mile from a bus stop. He felt that most areas are within those distances. Again, he felt the parking requirements could be regulated within the special permit process. The attached map shows the walking distances to transit in the City.

Another Committee member suggested that providing parking invites more cars. The ordinance would encourage more people to use public transportation. Many residents, including college students also use Uber, Lyft and Zipcars. If a parking space is not available and a lodger has a car,

then they would unlikely choose to live in that lodging house. Having easy and close access to public transportation makes it very reasonable to reduce the parking spaces to zero.

It was asked how the parking requirements would work with a very large lodging house with perhaps 100 units. The upper limit of 6 spaces seems unreasonable. Ms. Blatt said the ordinance was drafted with the understanding that most lodging houses would be created within residential structures as conversions and the idea is to create some predictability with parking. Mr. Heath noted that the lodging house use would probably generate the least number of cars. They intentionally limited the number to 6 and made that determination after reviewing ordinances of adjoining communities.

The Chair stated that he was under the impression that the ordinance was not limiting the number of spaces to 6. His interpretation is that one space is required for every three units, up to 6 spaces; more spaces or fewer spaces can be allowed by special permit. This is the same as the allowed number of parking spaces for a single or two-family house; 2 parking spaces are required per unit, but it does not mean that more spaces could not be granted. The Chair suggested adding language that clearly states that more than 6 spaces could be allowed by special permit if the City Council decided to do so. The Committee agreed that the language should be added for clarify. A Councilor said, however, that if the number of spaces were to increase they had to be for the use of the tenants and not used to rent out to non-residents. Commissioner Lojek said this could be a condition of the special permit. There is already an ordinance prohibiting non-accessory parking on any lot in the City.

It was asked what would happen if any of the conditions regulating a lodging house were violated. Ms. Blatt explained that the license could be revoked. While a special permit stays with the property, a license is granted to the operator. A new operator would have to go through the licensing review and process.

The amendment will be made as suggested in all appropriate sections to allow more than 6 spaces, by special permit. Also Section 6.2.7.C.4.C should be amended, for clarity, to read: *The City Council may by Special Permit, allow lodging houses located within 1/2 mile of rail transit (Green Line or Commuter Rail), or within 1/4 mile of an MBTA Bus stop, to reduce the number of parking spaces to 0.*

The Committee voted to approve this item 7-0-1 with Councilor Baker abstaining.

Referred to Prog & Serv., Pub Safety & Trans, Zoning & Planning & Finance Comms

#140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses
ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.

Action: Zoning & Planning Held 8-0

Note: The Committee voted to hold this item.

#109-15(2) Zoning amendment to increase inclusionary zoning units from 15% to 25%

HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 25% for larger projects; require that some affordable units be designated for middle-income households; and to create a new formula for calculating payments in lieu of affordable units. [10/31/17 @ 4:42 PM]

Action: Zoning & Planning Held 8-0

Note: This is a continuing discussion of amending the Inclusionary Zoning ordinance. A redline and a clean version of the ordinance was provided to the Committee. Mr. Heath explained that the draft ordinance has been shared with a number of developers with more conversations scheduled for the next couple of weeks. A Councilor noted that without real numbers from developers, it would be difficult to understand the implications of the changes. She was concerned that some of the Land Use attorney's did not seem to know this was under discussion. Another Committee member felt that a wider perspective was needed and asked that CHAPA, MAPC, South Middlesex Opportunity Council and MBHP be informed. Section D. in the draft of the ordinance mentions having a regional effect on low- and moderate income housing opportunities so it would be fair to involve those organizations.

The Chair said he would like to take this opportunity to surface any concerns or issues. Planning staff should have time to speak to more developers in time for the Public Hearing on December 11. A Committee member also suggested that Planning staff provide an informational workshop on the ordinance for developers, land use attorneys and other interested parties. Mr. Freas noted that the Zoning Redesign event on housing on December 14 will include a discussion of the ordinance.

Committee Questions/Comments

It was asked how these units would be tallied on the state housing inventory. Mr. Freas said that all units that are priced or leased at a rate that is below 80% of AMI would count towards the SHI requirements.

A Councilor suggested that staff use examples across the spectrum of housing opportunities in order to demonstrate the impact of inclusionary units. Use examples that comply with the current ordinance, the proposed ordinance and 40B requirements. He also felt that it would be helpful to use illustrations in the ordinance itself.

Cambridge and Somerville have just increased their inclusionary zoning to 20% and Wellesley has had it at 20% for a while now. A Committee member asked that staff ask for some data from Wellesley. It was noted that little affordable housing has been built in Wellesley so the data would be sparse.

A Committee member said he would like the conversations with developers to be detailed and to get as much input as possible from them. He would like to see them enthusiastic about building more affordable units. The City needs to be sure this ordinance will accomplish what they want it

to accomplish. The conversations with developers will provide that important information. The ordinance also includes a look back period of 5 years so the City can review the outcomes and adjust if necessary. A Committee member worried that having the percentage too high as compared to other communities could push developers out of Newton.

Inclusionary zoning payments get split between the City and the Newton Housing Authority. NHA is proposing to use their existing funds, but it still has to go through the City Council for approval. There have been a number of general conversations about creating a Housing Trust Fund. The City needs to establish a process for the expenditure of those funds. Money has been accrued but this is no process by which developers can petition and get access to the City funds.

For the cash payment amount, it was asked if the formula that utilizes the current Mass Department of Housing Community Development Index for production projects within Metro Boston, should be adjusted for Newton since land values here are higher than other municipalities. Mr. Freas said that number is independently established and is more defensible than any number the City might calculate. There are not enough projects to establish a sample size sufficient enough to establish a Newton-only number. Ms. Berman said that the only way a project would be allowed to give cash other than a unit would be through the special permit process. The cash payment is for fractions of units, which will almost always happen. Currently, the numbers round up or down at .5 and that is how the system is gamed. This new formula requires a payment every time.

Josephine McNeill, former Director of CAN-DO, said that there has not been a low-income housing tax credit project in Newton in 20 years. It is problematic to use state numbers when the City cannot get access to state funds. She did not think Newton should follow the state's example. Her other concern is that the ordinance is pushing the City to deal with middle-income people. The biggest need is for families who are in the 40% and below AMI. She would like to see something to encourage developers to create units on the lower end of the spectrum. One way would be to use funds specifically to create low-income and larger units. Most developers are not going to build 3-bedroom units. There are thousands of children growing up in hotels and shelters because there are no low-income larger units. The ordinance should be designed to help those who most need the help. There is a need for middle-income individuals and families to find housing, but these are not homeless people. The biggest need is elsewhere. The community should articulate its values and how important it is to take care of those with the biggest need.

Mr. Freas said that reaching the 40% and below population would require non-profit led housing development. Part of the goal in collecting the fractional payments is to have a source of money for the affordable housing fund to produce those units in conjunction with federal and other funds. A Councilor suggested that adding to the ordinance a statement that monies collected will be targeted towards the lowest income residents.

The only density bonus being given would be to a developer who agrees to create an additional Tier 1 unit which is for those under 50% AMI. Ms. McNeill said that it is important to encourage creation of Tier 1 3-bedroom units. There is not sufficient multi-bedroom housing stock for

families. The 1-bedroom units are useful for those moving out of a big house, but a low-income family would not be able to afford that house.

It was asked how the middle-income housing units would be monitored since they would not be on the SHI. Amanda Berman explained that that tier of units would be tied to the guidelines that DHCD has on their local action units. Even though the units do not qualify for the SHI, they still want to follow the guidelines, for example, the units would be deed restricted, marketed in a similar way, and the resident selection procedures would be similar as well.

It was asked what would happen to someone in an inclusionary unit if their salary rose above the required amount. Ms. Berman said there are guidelines to govern this. Tenants would still be eligible if they stay below 140% AMI. If they rise above that, they can stay in the unit, however, they would have to pay market rent. The unit would return to its affordable status with the next tenant. There is also an annual compliance report requirement to confirm income by the City. The City is requiring developments to submit the annual monitoring. Mr. Heath explained that the format in which the information is submitted to the City makes it easier on staff to process. It is, however, a challenge for municipalities to monitor units and any suggestions are welcome.

The Committee asked for a simple, straightforward explanation of how the ordinance would work and why it should be approved. This is coming in late in the term and the Councilors need to understand the proposal.

The Committee voted to hold this item and a Public Hearing will be held on December 11th.

Meeting adjourned.

Respectfully Submitted,

Ted Hess-Mahan, Chair

Exploring the Public Interest in the former Webster Woods now located at 300 Hammond Pond Parkway

- #195-15(3) Request to acquire land at 300 Hammond Pond Parkway -

ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land.

Prior Docket Item

- #195-15 ALDERMAN BAKER, FULLER, LAREDO, DANBERG, AND BLAZAR requesting discussion of possible City acquisition of land, or rights therein, located west of Hammond Pond Parkway, which land was formerly owned as public open space by the Metropolitan District Commission until conveyed into private ownership in 1954, and which abuts existing Newton conservation land.

Reason for discussion

- While the current owner has been a good steward of the land, and so has the current owner, we have had many citizens come forward to express concern about the long term future of the property, particularly the open space.

Framework for discussion

Our Zoning and Planning Committee discussion offers a public chance to update the situation of the land now in new ownership and what the Executive Department has done in the intervening period of time, recognizing that there is not a specific proposal before us to respond to the new docket item, as well as that when and if the Council addresses a specific request it may be best done in Executive Session. In the meantime here is a brief recap of the history of the land.

Prior Unanimous Resolution

#195-15(2)

CITY OF NEWTON


IN BOARD OF ALDERMEN

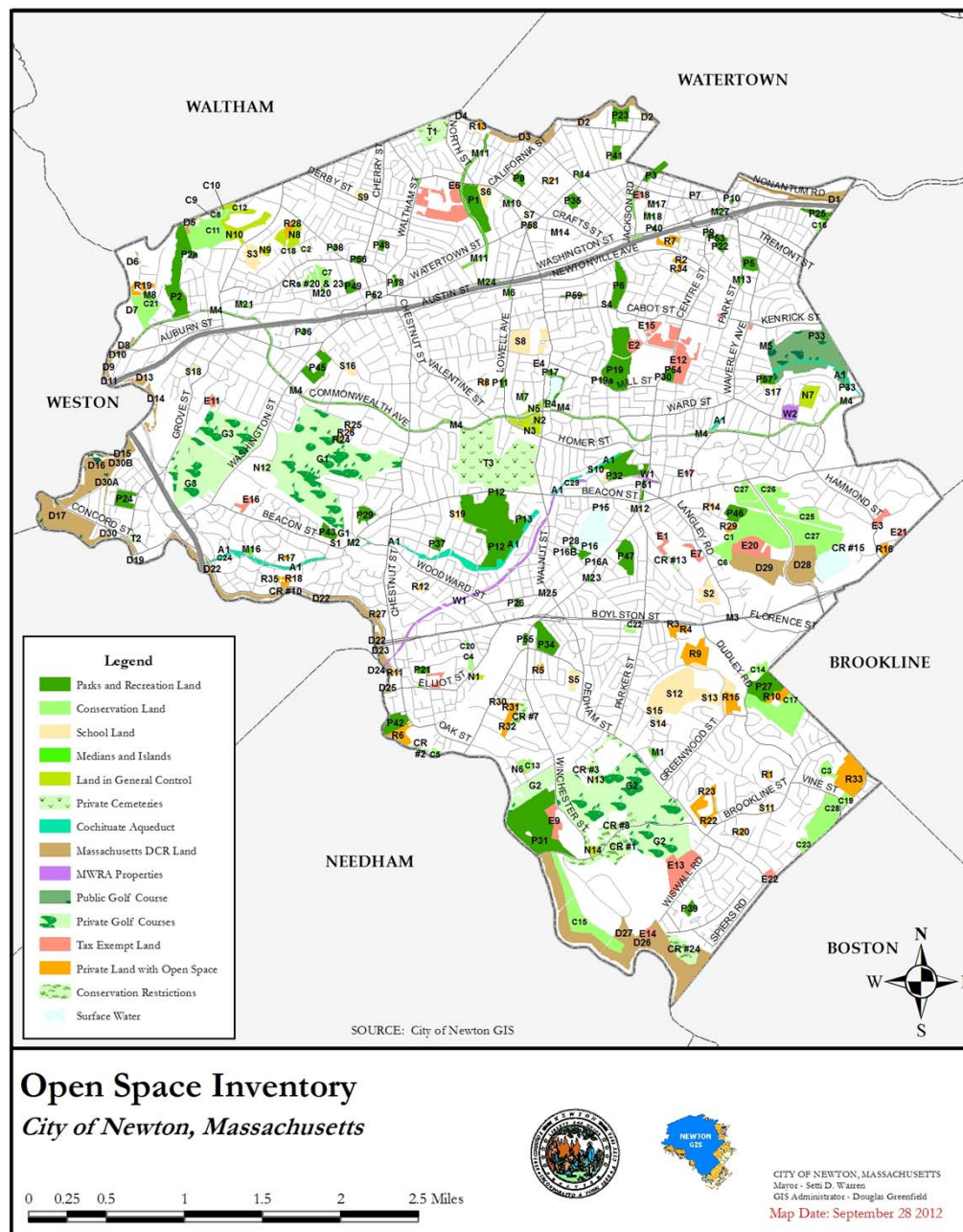
October 5, 2015

BE IT RESOLVED:

That the Board of Aldermen respectfully requests that His Honor the Mayor work to preserve the recreation and conservation character of 300 Hammond Pond Parkway, Chestnut Hill.

Under Suspension of Rules
Readings Waived and Adopted
24 yeas - 0 nays

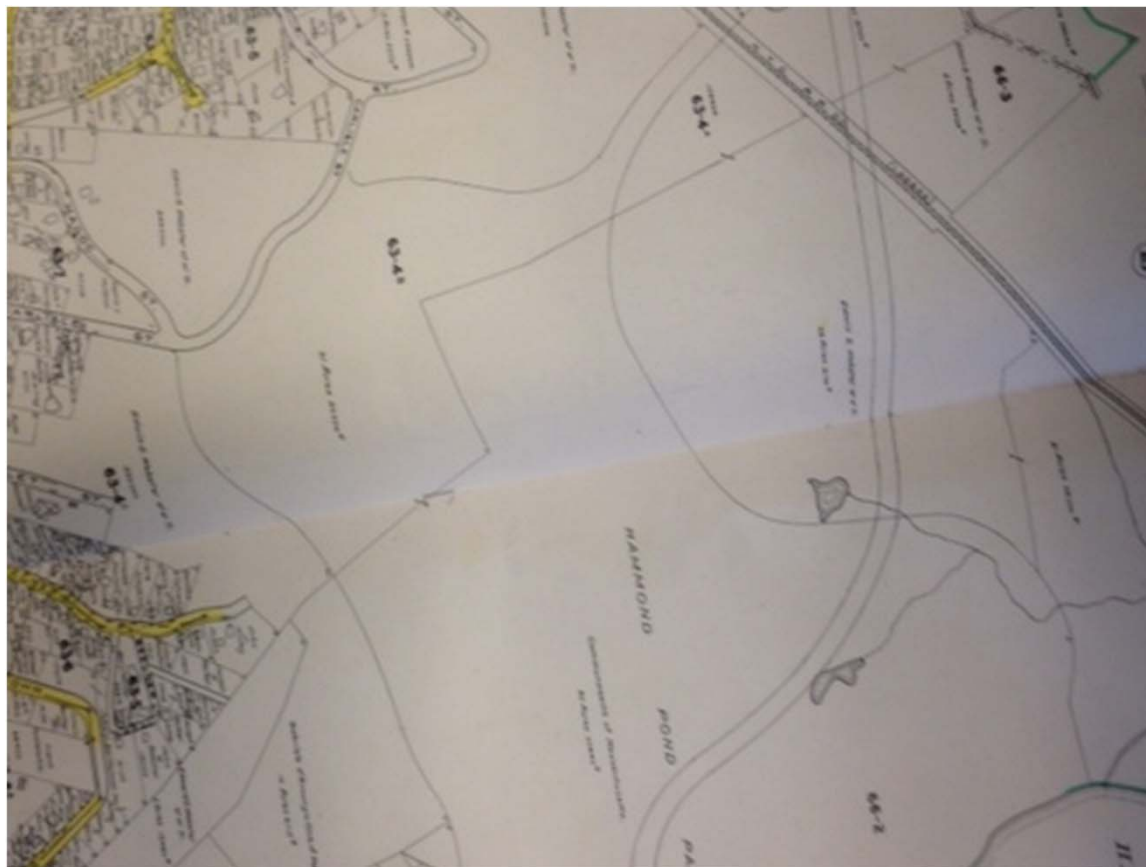

(SGD) DAVID A. OLSON
City Clerk



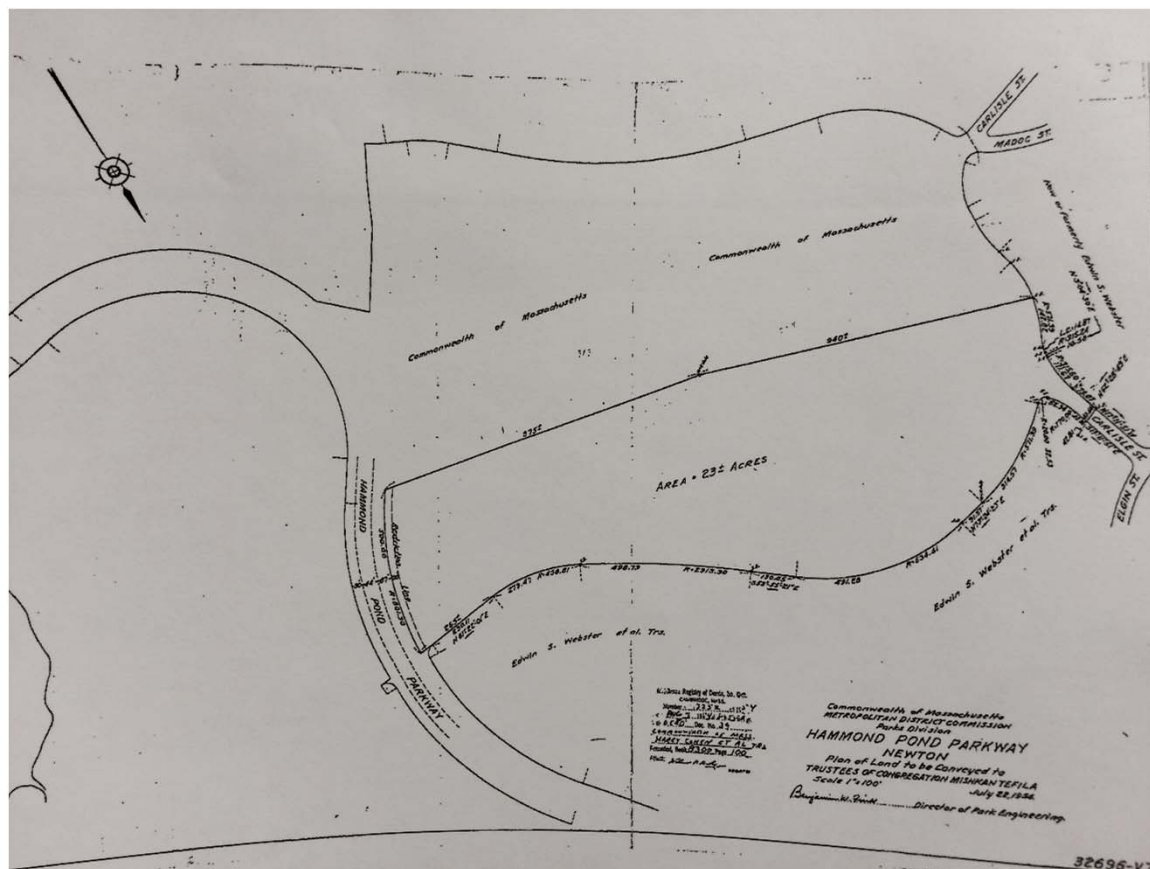
Some history of the land

The land was given to the Commonwealth by the Webster family in 1915 for conservation and recreation purposes.

The Metropolitan District Commission conveyed it to the Mishkan Tefila Congregation in 1954.



The Area before 1954 (from the City Atlas)



1954 map of parcel with MDC land at top and Webster land at bottom (looking southwesterly) [from deed]

Deed Excerpts (July 1954)

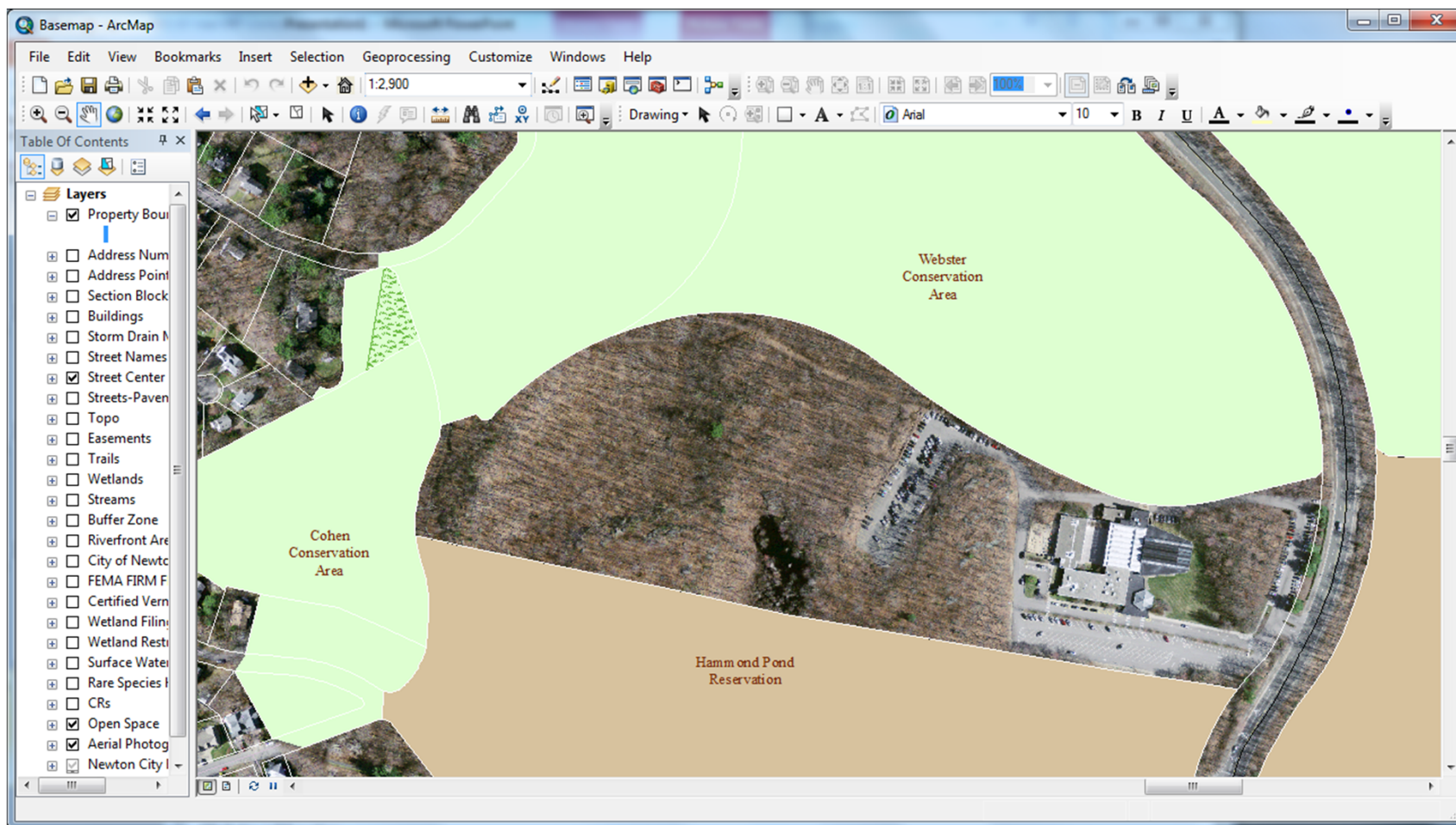
The Commonwealth of Massachusetts acting through its Metropolitan District Commission, for consideration paid, grants to Harry Cohen, Nathan Yamins and Harry Feinberg, all of Newton, Middlesex County, Massachusetts, Robert Goldstein of Boston, Suffolk County, Massachusetts, and Miah Marcus of Brookline, Norfolk County, Massachusetts, as they are Trustees of Congregation Mishkan Tefila of Roxbury, Massachusetts, with quitclaim covenants, the land situated in Newton in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

The aforesaid premises are conveyed subject to the following restrictions^s for the benefit of remaining land of the grantor abutting said land, which restrictions shall remain in effect for a period of ninety-nine (99) years from the date hereof:

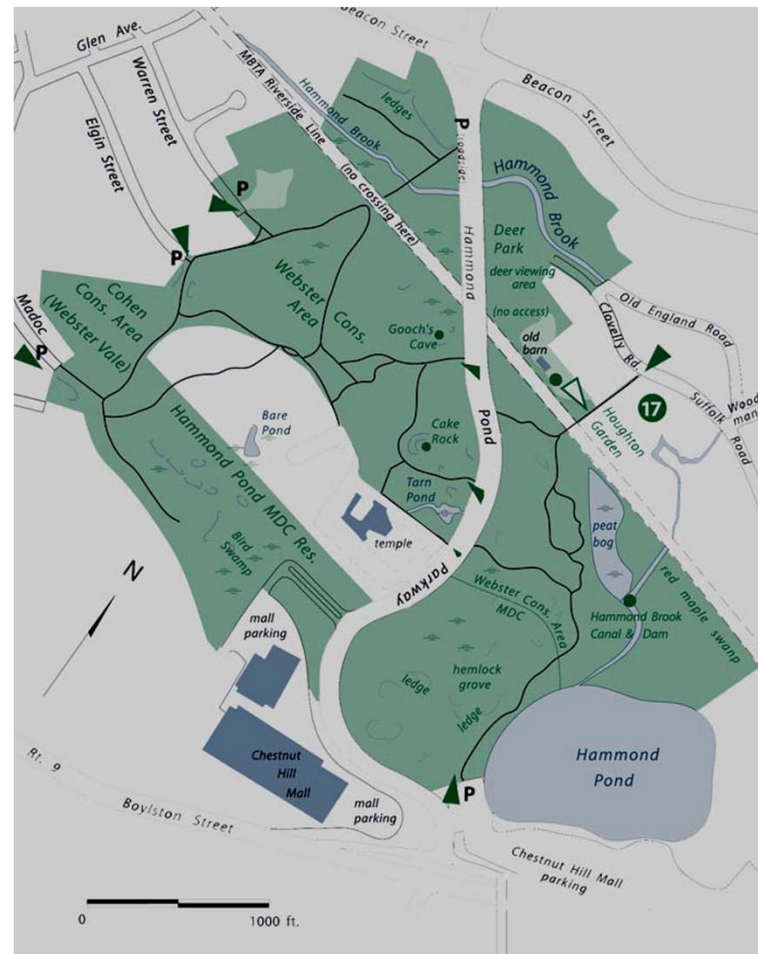
1. That said premises shall be used only for educational or religious purposes and for non-profit recreational activities in connection therewith.
2. That no building or structure or part thereof shall be erected, placed or maintained easterly of a line marked "Restriction Line" on the plan recorded herewith.



300 Hammond Pond Parkway surrounded by public open space



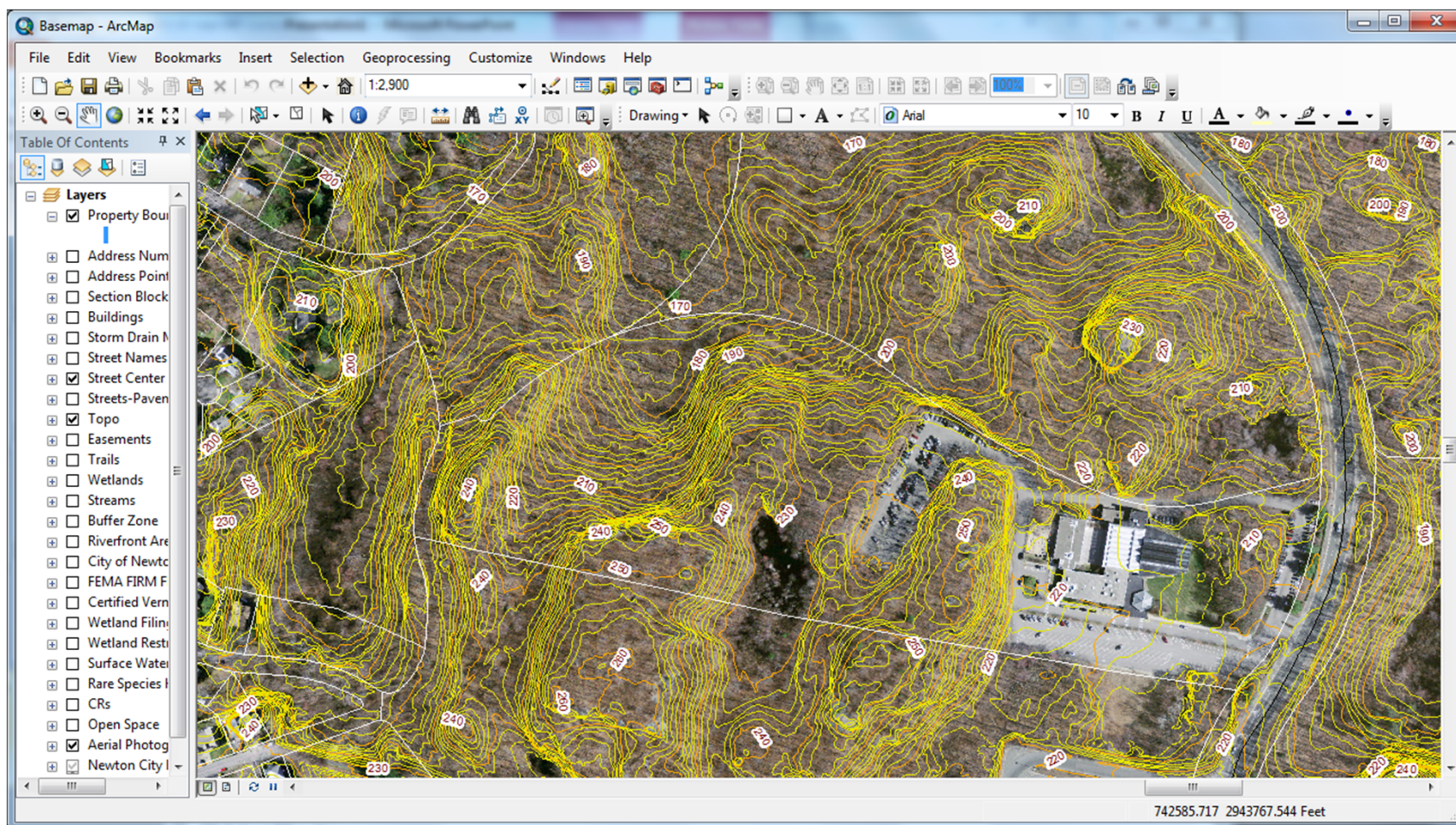
Newton Conservators Trail Map



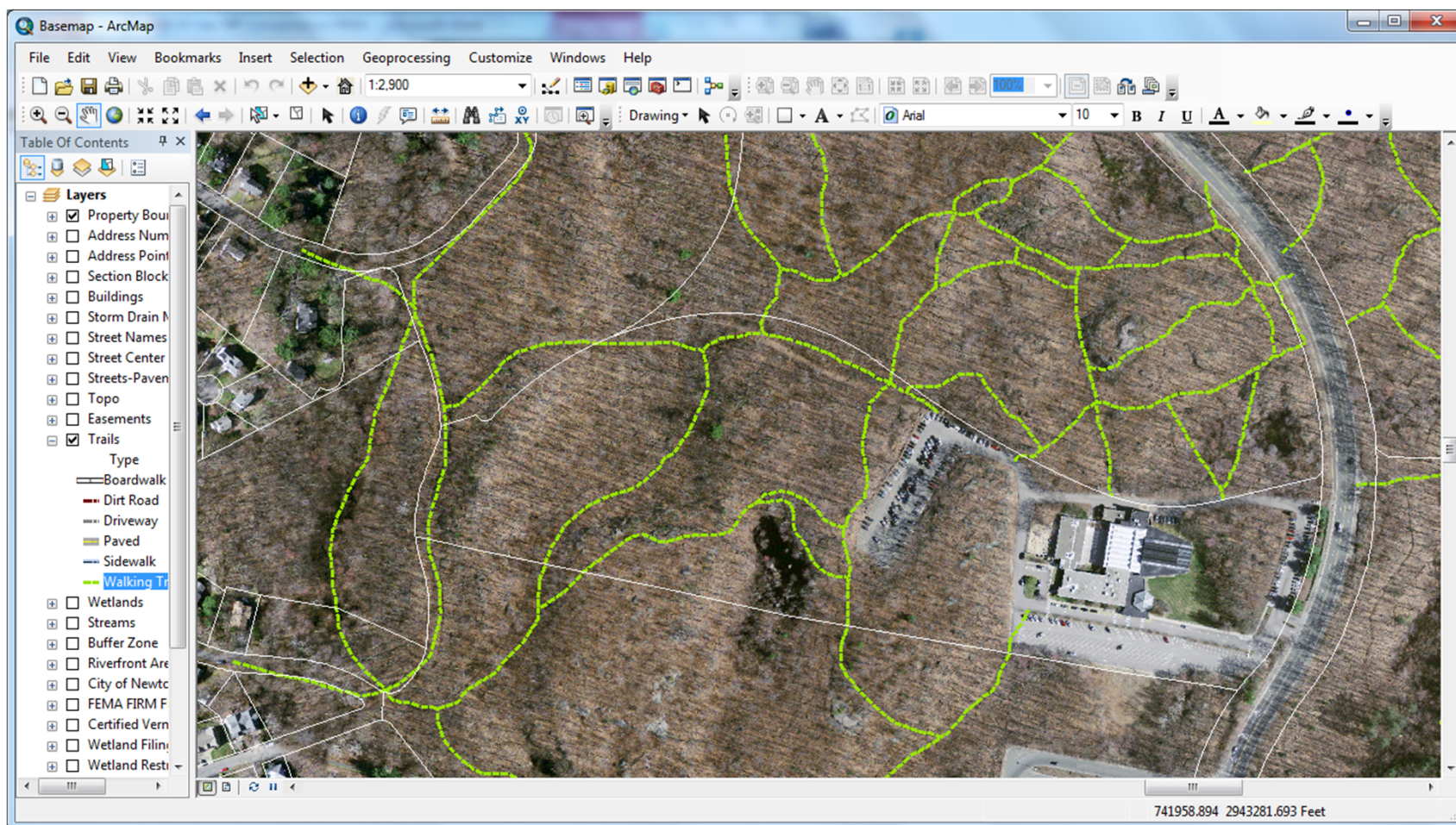
Newton conservation land nearby

- In the mid 1960's and thereafter, the City of Newton used its power of eminent domain to acquire over 100 acres of former Webster family land from the Webster family, including successfully blocking a taking by the Massachusetts College of Art. Mayor Monte Basbas and then Representative Theodore Mann were actively involved in supporting and facilitating these major purchases.

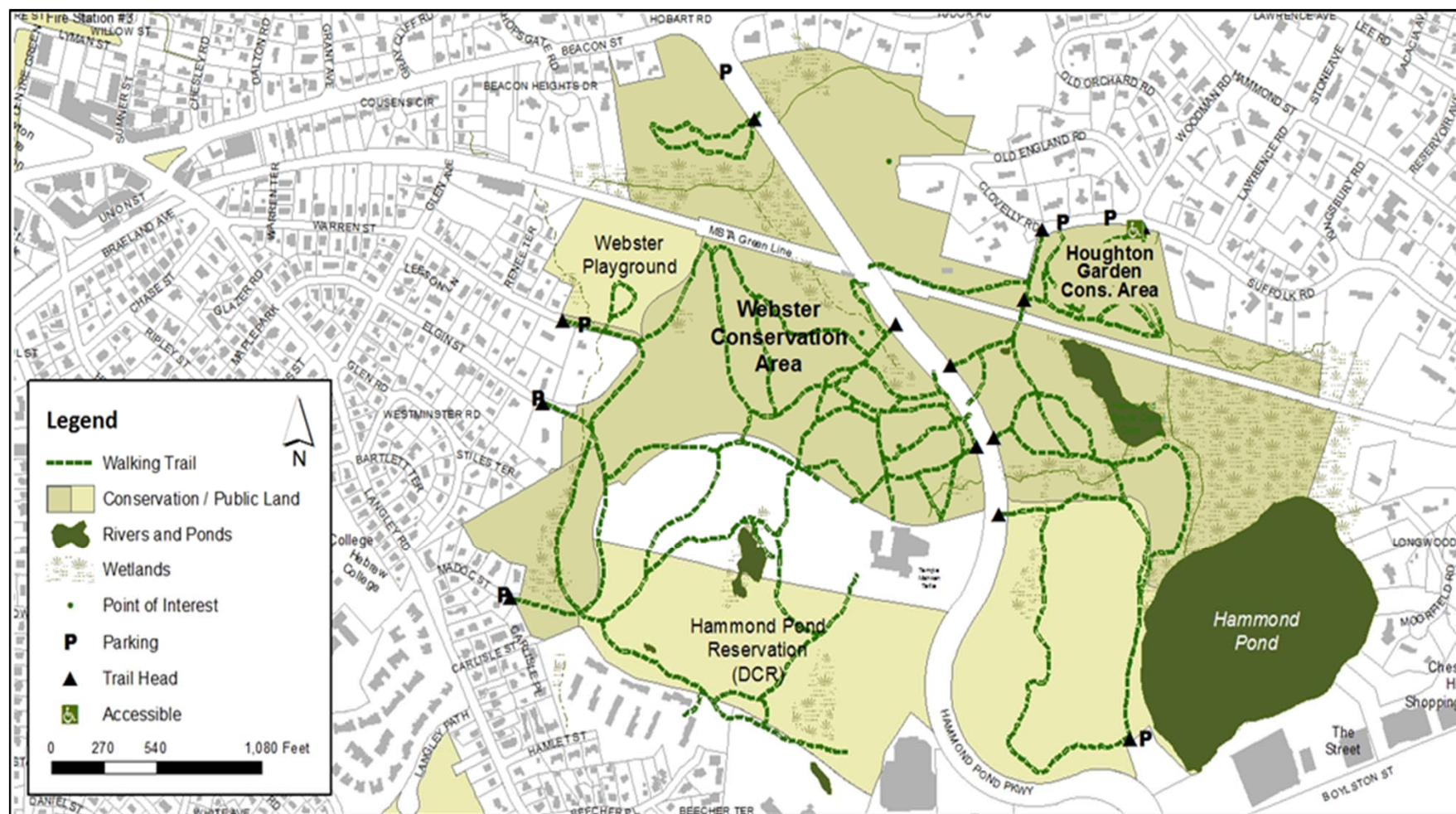
The topography of 300 Hammond Pond Parkway and its surrounding open spaces



Trails throughout the open spaces from the Newton GIS system

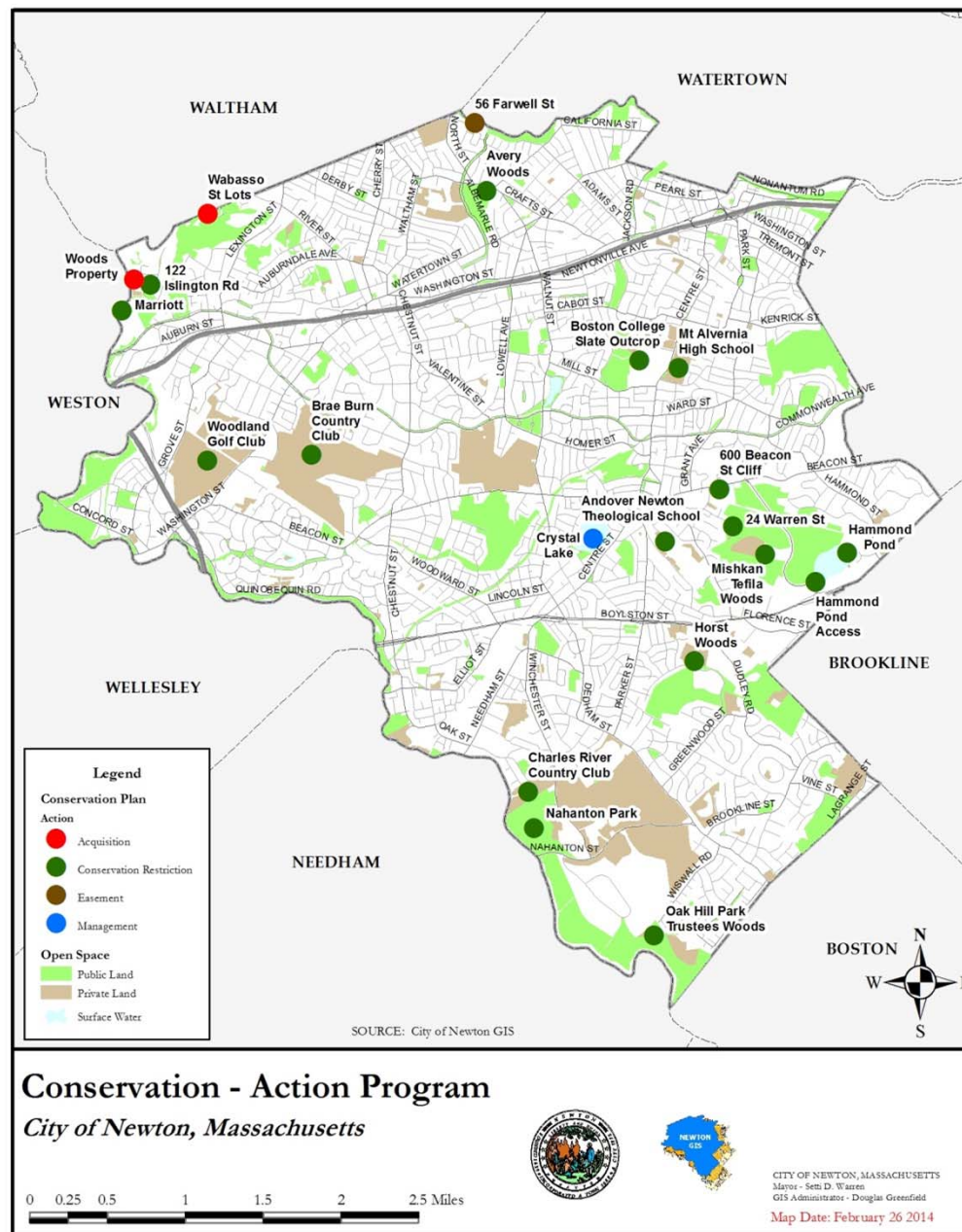


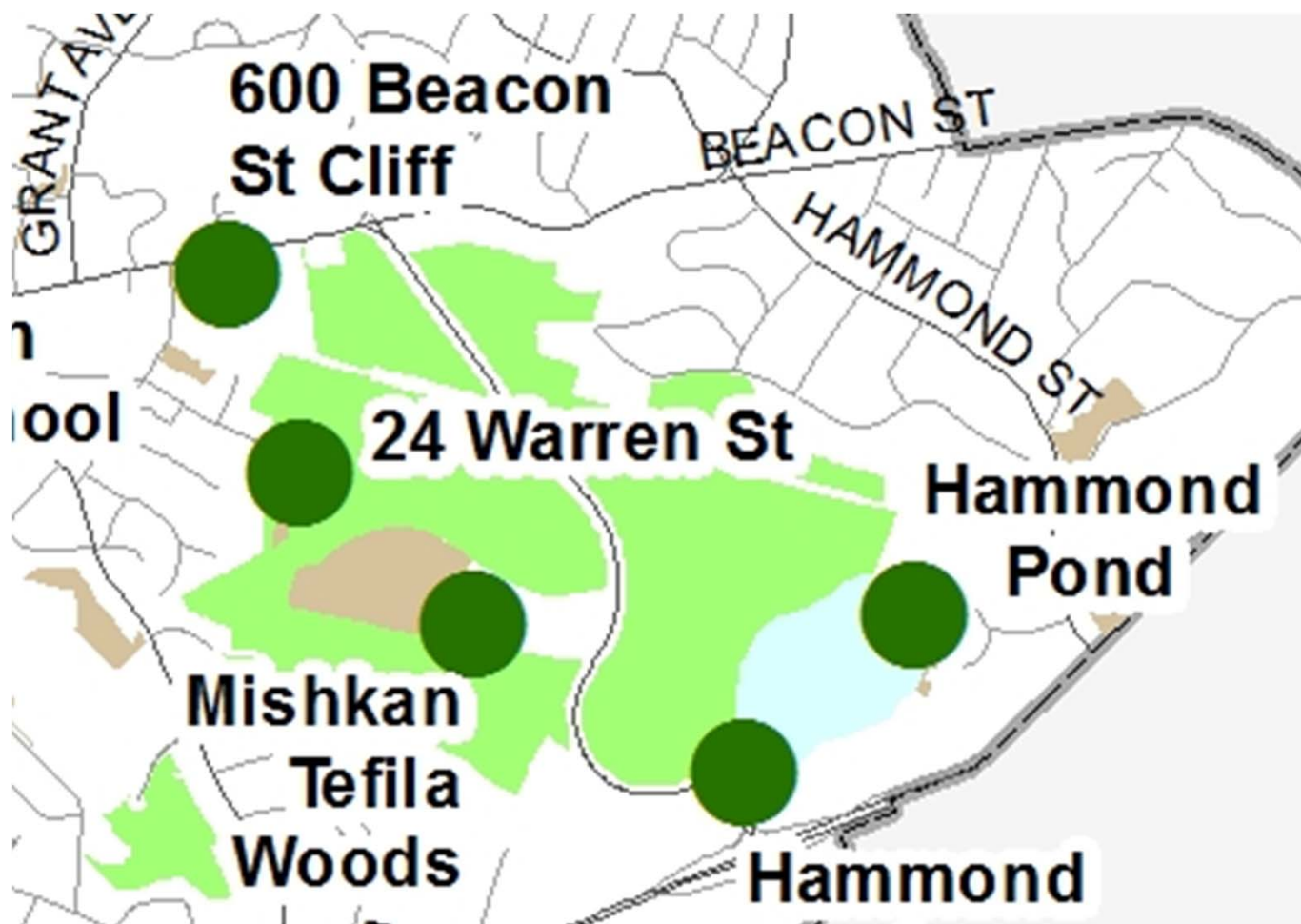
Newton Conservation Area Management Plan (2015-2025)



How has the City viewed this interest?

- At least a portion of 300 Hammond Pond Parkway – almost 15 acres -- is called out in the City's revised Open Space Plan.





2014-2020 Newton Open Space Plan

(excerpt)

Acquisition of a Conservation Restriction by gift, purchase or negotiation on the following whole or partial parcels

Priority	Action	Lead Org.	Est. Cost	Timeframe
1	56 Farwell Street (bordering on Charles River, 2.8 acres for scenic easement or conservation easement without public access).	DCR	\$0	FY 15
2	Temple Mishkan Tefila Woods - woods, pond, and sensitive habitats	Con Com, Conservators	\$0	Ongoing

E20	Temple Mishkan Tefila 300 Hammond Pd. Parkway Congregation Mishkan Tefila	SR1	14.71	65008 0003 part	V, wooded, rock outcrop, Bare Pond, FWR
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1. The value of the 12.4 acre Parcel C, “as is”, subject to the existing 1954 deed restriction.
\$3,100,000
2. The value of the 12.4 acre Parcel C, subject to the hypothetical condition that the 1954 deed restriction is not enforceable or in-valid.
\$3,100,000
3. The diminution in value to the 12.4 acre Parcel C, subject to the hypothetical condition that the land is affected by a perpetual conservation restriction with public access provisions. This figure is the difference between the value “before”, unrestricted, and the value “after” with a conservation restriction in place. It represents the cost of purchasing the development rights to the land, and leaving current ownership with a parcel of land with no development potential of any kind.
\$2,200,000
4. The value of the 12.4 acre Parcel C, subject to the extraordinary assumption that a claim of “easement by prescription” is accepted, as described herein.
\$930,000
5. The value of the 3.3 acre Parcel B, “as is”, subject to the existing 1954 deed restriction.
\$1,650,000
6. The value of the 3.3 acre Parcel B, subject to the hypothetical condition that the 1954 deed restriction is not enforceable or in-valid.
\$1,650,000
7. The diminution in value to the 3.3 acre Parcel B, subject to the hypothetical condition that the land is affected by a perpetual conservation restriction with public access provisions. This figure is the difference between the value “before”, unrestricted, and the value “after” with a conservation restriction in place. It represents the cost of purchasing the development rights to the land, and leaving current ownership with a parcel of land with no development potential of any kind.
\$1,300,000
8. The value of the 3.3 acre Parcel B, subject to the extraordinary assumption that a claim of “easement by prescription” is accepted, as described herein.
\$330,000

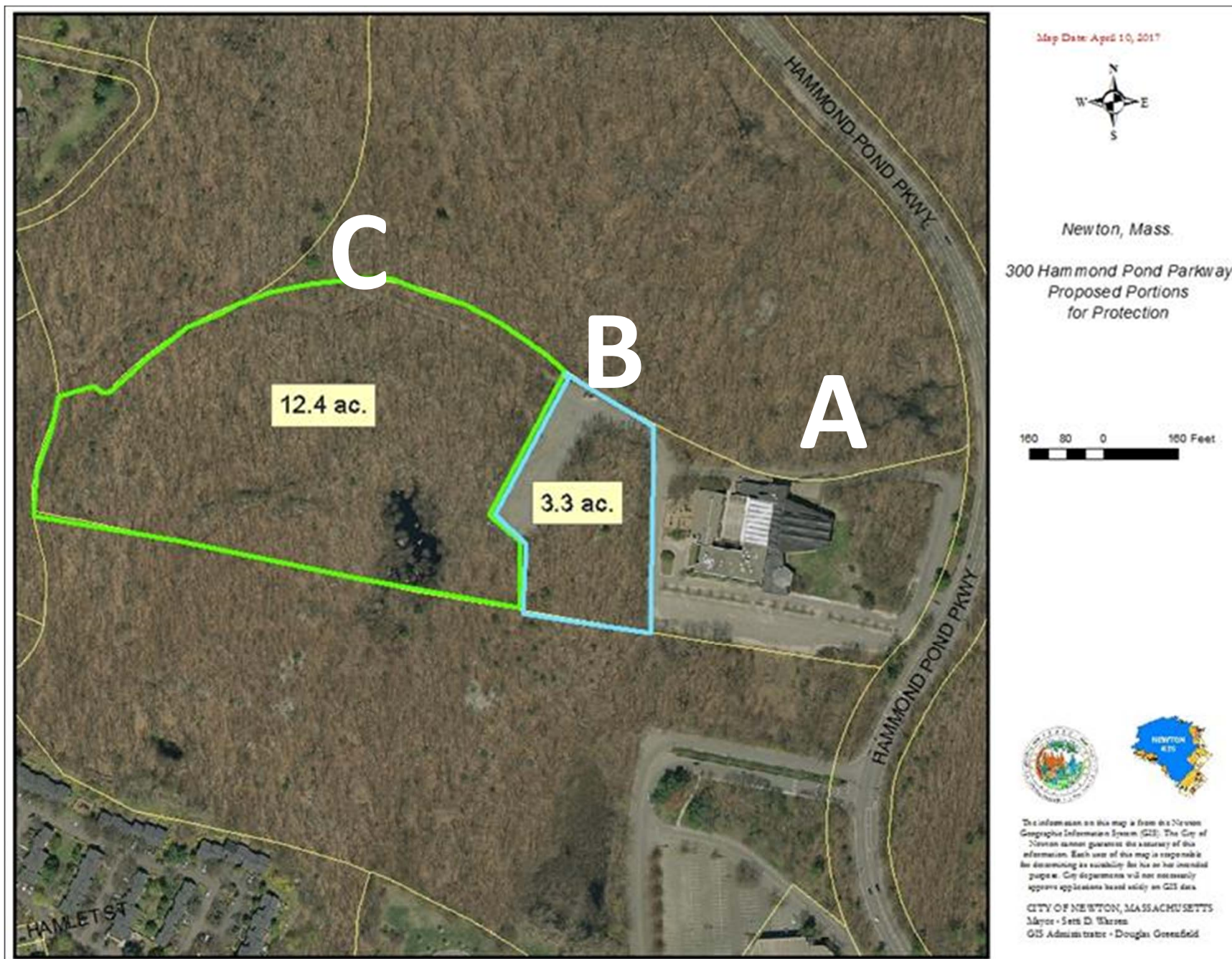
Respectfully submitted,



Christopher H. Bowler, MAI, CRE
Massachusetts Certified General
Real Estate Appraiser #495



Jonathan H. Avery, MAI, CRE
Massachusetts Certified General
Real Estate Appraisers #26



for meetings of Newton
City Council Committees &
Community Preservation Committee,
27-29 November 2017

Newton Community Preservation Program Finances



- ◆ **Currently Available Funds** (2 p.)
- ◆ ***Community Preservation Plan*** (2 pp.) – current & potential future proposals compared to 5- and 10-year funding forecasts & allocation targets, by CPA-eligible resource
- ◆ **Funding Forecast** (2 pp.), 5- and 10-year estimates

**City of Newton, Massachusetts
Community Preservation Fund
AVAILABLE FUNDS**

DRAFT updated 27 November 2017, A. Ingerson

CURRENTLY AVAILABLE FUNDS

Fiscal 2016

from summer 2016 CP-1 & CP-2

Fiscal 2017

from summer 2017 CP-1 and CP-2

Fiscal 2018

from summer 2017 CP-1 & CP-2 & Fy18 budget approved May 2017

REVENUE

local CPA surcharge

(1% of Newton's total property tax levy)

\$2,947,336

\$3,092,185

\$2,987,877

state matching funds

% match for previous year's certified local revenue

budgeted 18%,
final 29.7%

budgeted 15%,
final 20.6%

budgeted 10%,
final 17.2%

confirmed & budgeted in listed year

\$499,417

\$426,586

\$291,500

confirmed late in prior year, budgeted in listed year

Fy18 total state match: \$531,924. **The \$240,424 diff. between this amt and the amt budgeted in Fy18 must be budgeted/made available in Fy19.**

\$229,184

\$340,472

\$181,657

additional sources:

fund balance (unspent funds forwarded from prior year; should not be totaled across years)

\$8,223,464

\$8,802,848

\$9,816,683

bonds

interest

\$51,836

\$122,095

other (incl. liens)

\$92,257

\$7,131

TOTAL REVENUE

\$12,043,494

\$12,791,317

\$13,277,717

EXPENDITURES

PROGRAM ADMINISTRATION & DEBT SERVICE

program administration (max 5% of current-yr new funds)

-\$117,526

-\$118,320

-\$155,728

(fy17 year-end actual - excl. fy16 funds carried forward & spent in fy17; fy18 as budgeted - incl. "lagged" state funds in base for % calculation for the first time)

confirmed 3.4%

confirmed 3.2%

budgeted 4.5%

debt service for 20 Rogers St. (final payment in fy17, allocated 100% to recreation)

-\$269,344

-\$259,781

no debt service

TOTAL Program Administration & Debt Service

-\$386,870

-\$378,102

-\$155,728

AVAILABLE FUNDS

after program administration & debt service

\$11,656,624

\$12,413,216

\$13,121,989

PROJECT APPROPRIATIONS by City Council (chronological order)

in FISCAL 2016 (chronological order)

Allen House Phase 2 (historic resources)

-\$2,000,000

Cambria Road (housing)

-\$471,117

Crescent Street Site Assessment [\$50,000 affordable housing, \$50,000 recreation/playground]

-\$100,000

Museum Archives - remainder of Fy15 recommendation

-\$93,491

New Art Center

-\$72,652

WPA Mural (Newton North High School)

-\$114,900

in FISCAL 2017 (chronological order)

Newton Highlands Playground (construction)

-\$2,500,000

Crescent Street (City of Newton) feasibility & design:

\$103,378 housing, \$156,622 recreation/playground [unspent Fy16 site assessment funds also transferred for feasibility & design: \$8,247 housing, \$50,000 playground]

-\$260,000

City of Newton, Massachusetts Community Preservation Fund AVAILABLE FUNDS		DRAFT updated 27 November 2017, A. Ingerson		
	Fiscal 2016	Fiscal 2017	Fiscal 2018	
in FISCAL 2018 (chronological order)				
236 Auburn Street (CAN-DO/Metro West/Price Ctr) [\$300,000 historic resources, \$677,7000 affordable housing]				-\$977,700
TOTAL Appropriations (By Year)	-\$2,852,160	-\$2,760,000		-\$977,700
AVAILABLE FUNDS after new appropriations	\$8,804,464	\$9,653,216		\$12,144,289
CPC RECOMMENDATIONS pending with City Council (chronological order)				
Newton Cemetery - Whipple-Beal Cast Iron Fence (historic resources)				-\$60,000
TOTAL Recommendations				-\$60,000
AVAILABLE FUNDS if all current recommendations were funded in full	\$8,804,464	\$9,653,216		\$12,084,289
FULL PROPOSALS UNDER CONSIDERATION by CPC				
Jackson Road Senior Housing (Newton Housing Authority) - Update for CPC mtg 14 December 2017.				-\$2,500,000
TOTAL Proposals				-\$2,500,000
AVAILABLE FUNDS if all submitted proposals were funded in full	\$8,804,464	\$9,653,216		\$9,584,289
Project Updates & Related Potential Requests SUBMITTED to CPC				
Crescent Street (City of Newton) [affordable housing & playground] - est. add'l request for final design & construction: \$1,496,622 housing, \$1,143,378 playground				-\$2,640,000
Newton Homebuyer Assistance Program - return of unspent funds (CPC staff estimate; approx. \$750,000 to be retained for new purpose)				\$830,000
TOTAL				-\$1,810,000
AVAILABLE FUNDS if these requests were accepted / funded in full in Fy18	\$8,804,464	\$9,653,216		\$7,774,289

Note: Unless exceptional needs require otherwise, Newton's CPC aims to maintain a fund balance of ≈ \$3 million, so the program can start each year with about 2 years' worth of funds.

Reflecting Fy18 appropriations for: Auburn Street				DRAFT updated 19 October 2017, A. Ingerson	
Restricted vs. Unrestricted Funds	Housing	Historic Resources	Open Space/ Recreation		
Restricted					
Fund Balances (unspent funds from prior years) (no change)	\$264,828	\$368,777	\$211,584		
Fy18 Budget Reserves	\$0	\$46,103	\$346,103		
Totals	\$264,828	\$414,880	\$557,687		
Unrestricted					
Fund Balance (unspent funds from prior years)		\$8,971,494			
Fy18 Budget Reserve		\$1,935,399			
Totals		\$10,906,893			

Newton, Massachusetts, Community Preservation Program
Current & Future Proposals Compared to Available Funds & Allocation Targets

Previous CIP Priority Apr 2017	Info. Sources & Current CIP Priority Oct 2017	Project Title	Affordable Housing	Historic Resources	Open Space or Recreation Land	
					Acquisition	Rehabilitation
Current & Future Proposals Compared to Available Funds & Allocation Targets						
	Total Funded Projects, FY13-FY17 (including debt service) ≈					
		\$14,608,039	\$3,905,703	\$4,260,339	\$2,807,175	\$3,634,822
		FY13-FY17 % allocation by resource	27%	29%	19%	25%
		CPC target allocations by resource, ± 5%	30%	25%	20%	20%
Current Proposals or Pre-proposals, with Related Future Proposals						
✓ = FY18 appropriation ? = recommended by CPC but not yet funded * = cost revised or estimated by CPC staff						
Past proposals, CIP 139	27 Oct 2017 update to CPC, CIP 21	70 Crescent Street * <i>(excludes prior CPA funding already included in FY13-17 totals above: \$100,000 for site assessment, Apr. 2016; \$260,000 for feasibility & design, Mar. 2017)</i>	\$1,496,622			\$1,143,378
Proposal	Proposal	New Art Center * <i>(excl. appropriation for preservation plan incl. in FY13-17 totals above: \$72,562, December 2015)</i>		\$2,250,000		
Pre-proposal	Proposal	Jackson Road Senior Housing <i>(As of 9 Aug 2017, sponsor has put this project on hold for revision & resubmission; amount of request may change.)</i>	\$2,500,000			
Pre-proposal	Funded project	✓ 236 Auburn Street (CAN-DO)	\$677,700	\$300,000		
	Proposal, pending with CPC	Newton Cemetery - Whipple-Beal Historic Railing		\$60,000		
	Subtotal ≈ (including debt service)					
		\$8,427,700	\$4,674,322	\$2,610,000	\$0	\$1,143,378
		% Allocation by Resource	55%	31%	0%	14%
Other Future Proposals * = cost revised or estimated by CPC staff CIP (<i>Capital Improvement Plan</i>) listings as of October 2016						
Branch Libraries (Current or Former)						
CIP 158, 356	CIP 136, 216	Auburndale Library		\$255,000		
CIP 123	CIP 95	Newton Centre Library <i>(former Health Dept.)</i>		\$1,500,000		
CIP 183, 200	CIP 159, 176	Newton Corner Library <i>(now Newton Innovation)</i>		\$292,500		
CIP 196	CIP 172	Nonantum Library		\$200,000		
CIP 115, 215	CIP 89, 188	Waban Library		\$318,500		
CIP 197	CIP 173	West Newton Library <i>(Police Annex)</i>		\$250,500		
City Archives						
CIP 131	CIP 105	City Archives <i>(facilities)</i>		\$100,000		
CIP 182	CIP 158	Engineering Map Archives <i>(scanning)</i>		\$900,000		
City Hall						
CIP 129	CIP 103	City Hall War Memorial - Exterior Stairs		\$450,000		
CIP 175	CIP 148	City Hall War Memorial - Auditorium HVAC		\$150,000		
CIP 226	CIP 196	City Hall Doors & Windows <i>(listed in Oct 2016 CIP but withdrawn by Public Bldgs Commissioner's 7 Jan 2016 memo to CPC)</i>		\$1,000,000		
CIP 232	CIP 202	City Hall/War Memorial Historic Landscape		\$1,500,000		
Crafts Street Stable (Public Works, Operations)						
CIP 162, 214	CIP 139, 187	Crafts Street Stable <i>(DPW Operations Center)</i>		\$1,150,000		
Jackson Homestead (Historic Newton)						
CIP 201, 223	CIP 177, 193	Jackson Homestead <i>(bldg repairs, off-site collections storage)</i>		\$292,000		
Historic Burying Grounds (Historic Newton)						
CIP 235, 254	CIP 170, 205, 215	Historic Burying Grounds * <i>(excludes site-specific projects at East & West Parish, listed in CIP but already funded)</i>		\$589,600		
Parks & Recreation						

Newton, Massachusetts, Community Preservation Program Current & Future Proposals Compared to Available Funds & Allocation Targets						
PREVIOUS CIP PRIORITY Apr 2017	Info. Sources & Current CIP Priority Oct 2017	Project Title	Affordable Housing	Historic Resources	Open Space or Recreation Land	
					Acquisition	Rehabilitation
CIP 80	CIP 65	Horace Mann Community Center * <i>(listed in Oct 2017 CIP for \$15m from bonding + CPA; most work probably will not be CPA-eligible as</i>				\$2,500,000
CIP 87	CIP 63	Chaffin Park Wall <i>(abutting Farlow Park)</i>		\$200,000		
CIP 150	CIP 128	Burr Park Fieldhouse		\$313,500		
CIP 233	CIP 203	Crystal Lake Bathhouse * <i>(listed in Oct 2017 CIP; est. full project cost \$8m)</i>				\$5,000,000
CIP 216	CIP 99	Newton Centre Playground Recreation Ctr ("The Hut")		\$1,500,000		
CIP 148, for City bonding	CIP 126	Upper Falls/Braceland Playground <i>(listed in Oct 2017 CIP only for general City bonding, but Parks & Rec Commissioner's 22 Nov 2016 ltr to CPC stated intention to request CPA funds)</i>				\$1,675,000
Senior Center						
CIP 149, 155, 190	CIP 127, 133, 165	Senior Center		\$519,000		
Webster Woods *						
not listed	CIP 221	Potential acquisition of land or restriction as conservation/open space - placeholder amount			\$5,000,000	
	Subtotal ≈					
		\$25,655,600	\$0	\$11,480,600	\$5,000,000	\$9,175,000
		% Allocation by Resource	0%	45%	19%	36%
	TOTAL Current Proposals + Pre-proposals & Related Proposals + Other Future Proposals ≈					
		\$34,083,300	\$4,674,322	\$14,090,600	\$5,000,000	\$10,318,378
		% Allocation by Resource	14%	41%	15%	30%
	CPC target allocations by resource, ± 5%:		30%	25%	20%	20%
	FIVE-YEAR FORECAST: Total Available Funds for Fy18-22 ≈					
		\$26,546,042				
		target allocations – 5%	\$6,636,510	\$5,309,208	\$3,981,906	\$3,981,906
		target allocations + 5%	\$9,291,115	\$7,963,812	\$6,636,510	\$6,636,510
	TEN-YEAR FORECAST: Total Available Funds for Fy18-27 ≈					
		\$39,882,155				
		target allocations – 5%	\$9,970,539	\$7,976,431	\$5,982,323	\$5,982,323
		target allocations + 5%	\$13,958,754	\$11,964,647	\$9,970,539	\$9,970,539

City of Newton, Massachusetts Community Preservation Fund		Fiscal 2018	Fiscal 2019	Fiscal 2020	Fiscal 2021	Fiscal 2022	Forecast Totals for FY18-22	Estimated Totals for FY18-27 (using same assumptions)
FUNDING FORECAST, FY18 - 22								
NEW REVENUE								
local CPA surcharge		\$2,987,877	\$3,062,574	\$3,139,138	\$3,217,617	\$3,298,057	\$15,705,263	\$33,474,326
state matching funds:								
budgeted in listed year		\$291,500.18	\$298,787.69	\$100.00	\$100.00	\$100.00	\$590,588	\$591,088
"lagged": prior-year funds confirmed late & budgeted in listed year *		\$181,657	\$240,424				\$422,081	\$422,081
forwarded fund balance		\$9,816,683					\$9,816,683	\$9,816,683
other (fy18, potential return of unspent funds from Newton Homebuyer Assistance Program)		\$830,000						
TOTAL REVENUE		\$14,107,717	\$3,601,786	\$3,139,238	\$3,217,717	\$3,298,157	\$27,364,615	\$45,134,178
BUDGETED EXPENDITURES								
Program Administration & Debt Service								
program administration (fy18 as budgeted - 4.5% of annual new funds; other years as 5% of annual new funds, the statutory maximum)		-\$155,728	-\$180,089	-\$156,962	-\$160,886	-\$164,908	-\$818,573	-\$1,707,051
debt service for 20 Rogers St. (recreation; final payment fy17)		\$0	\$0	\$0	\$0		\$0	\$0
TOTAL Program Administration & Debt Service		-\$155,728	-\$180,089	-\$156,962	-\$160,886	-\$164,908	-\$818,573	-\$1,707,051
AVAILABLE FUNDS after program administration + debt service		\$13,951,989	\$3,421,696	\$2,982,276	\$3,056,831	\$3,133,249	\$26,546,042	\$39,882,155
Required Reserves (min. allocation of annual new funds under the CPA)								
affordable housing (10%)		\$429,103	\$360,179	\$313,924	\$321,772	\$329,816	\$1,754,793	\$3,158,595
historic resources (10%)		\$429,103	\$360,179	\$313,924	\$321,772	\$329,816	\$1,754,793	\$3,158,595
open space & recreation (10%)		\$429,103	\$360,179	\$313,924	\$321,772	\$329,816	\$1,754,793	\$3,158,595
general, applicable to any resource (total revenue minus all budgeted expenses & reserves above)		\$12,664,679	\$2,341,161	\$2,040,505	\$2,091,516	\$2,143,802	\$21,281,662	\$30,406,371

City of Newton, Massachusetts Community Preservation Fund		Fiscal 2018	Fiscal 2019	Fiscal 2020	Fiscal 2021	Fiscal 2022	Forecast Totals for FY18-22	Estimated Totals for FY18-27 (using same assumptions)
FUNDING FORECAST, FY18 - 22						<i>Assumptions: Local revenue increasing 2.5% per year; state match decreasing from confirmed 17.2% in fy18 to 10% in fy19, then to \$100/yr in fy20 and following years. State funds are awarded each year as a percentage of the previous year's confirmed local revenue.</i>		
NOTES								
<p>* State revenue received each year is confirmed too late to be included accurately in the current-year budget. Any state funds in addition to those budgeted ("lagged" state funds) are therefore budgeted and become available in the following year.</p>								
<p>** Unspent funds forwarded from prior budget year. Some of these funds may also be restricted to a specific CPA resource (housing, historic, or open space & recreation), but Newton's CPC aims to use restricted funds first so the fund balance is largely unrestricted. The fund balance is not forecast for future years, to avoid counting the same unspent funds multiple times. The fund balance could also be zero, if all funds available in a given year are spent in that year.</p>								

PLANNING & DEVELOPMENT BOARD



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1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

Date: November 28, 2017

The Honorable City Council President, Scott Lennon

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Honorable Council President Lennon:

On November 6, 2017, the Planning & Development Board (P&D Board) discussed petition #140-14 concerning a request to amend Chapter 30, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing Single Room Occupancy and/or Congregate living arrangements

The Planning Board voted 5-0-1 to recommend that this zoning amendment be granted.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Scott I. Wolf
Chair

Cc: City Council

WALKING DISTANCE TO TRANSIT

FIGURE 24 PROXIMITY TO TRANSIT BY TRANSIT TYPE

