



City of Newton, Massachusetts Community Preservation Committee



David B. Cohen
Mayor

MEMORANDUM

DATE: 15 August 2007

TO: The Honorable Board of Aldermen

FROM: Community Preservation Committee

RE: **Recommended CPA Funding for the Purchase of 30 Wabasso Street**

1. **PROJECT TITLE:** 30 Wabasso Street
2. **CPA CATEGORY:** Open Space
3. **PROJECT DESCRIPTION & FUNDING REQUEST**

In 2000, the *Flowed Meadow Planning Group* expressed the hope that the City would acquire 3 private parcels along Wabasso Street if and when those owners were willing to sell their land. As this group recommended, the City's *Open Space Plan* then identified these 3 parcels as important priorities for public acquisition.

The City of Newton acquired and cleared 2 additional Wabasso Street parcels in the late 1990s. 30 Wabasso Street is the last parcel recommended for acquisition and clearing on Wabasso Street. The other two parcels mentioned in the study completed by the Flowed Meadow Plannign Group have access off of Forest Grove Road (from the City of Waltham).

In their application dated 1 August 2007, the Newton Conservation Commission and Newton Conservators requested \$400,300 for the acquisition and clearing of a 5,184 sq.ft. parcel with a 783 sq ft. house (assessors' id. no. 41031 0053), adjacent to the Flowed Meadow Conservation Area in Auburndale/West Newton. As of 2 August 2007, the property's current owner and the City of Newton had signed an agreement for the City to purchase the property for \$355,000. That agreement is contingent on obtaining CPA funding and closing the purchase by 19 October 2007.

4. CPC RECOMMENDATION

Based on consistency with the Community Preservation Act and Newton's Community Preservation Plan, as described in **section 6** below, the Community Preservation Committee recommends that

\$355,000	Purchase price
\$3,600	Legal costs
\$358,600	Total

be appropriated from the Community Preservation Fund for the purchase and associated legal costs of acquiring 30 Wabasso Street, subject to the conditions listed in **section 7** below.

5. ADDITIONAL SOURCES & USES OF FUNDS

The Mayor intends to ask the Board of Aldermen for an appropriation after Free Cash is certified in September 2007, to cover the additional costs listed in the application:

\$6,000	Site investigation
\$5,000	Remediation (estimate)
\$30,000	Demolition (estimate)
\$700	Additional tax apportionment (if closing delayed past 19 October 2007)
\$41,700	Total

NOTE: Lord Associates, the City of Newton's on-call licensed site professionals, have already assessed the site and will provide remediation services. The City of Newton's Public Health Commissioner has certified that he will waive requirements for Title V (septic system) because the City intends to demolish the house. The City of Newton's Public Buildings and Inspectional Services Departments estimated the demolition cost above, but will solicit competitive bids for this work.

6. FINDINGS

Community Preservation Act (MGL c.44B)

30 Wabasso Street fits both the Act's

- ♦ **definition of open space**, which specifically includes "watershed land, forest land, river frontage, lands to protect scenic vistas, land for wildlife or nature preserves, and land for recreational use"
- ♦ and **allowable uses of Community Preservation funds for open space** - to acquire, create, and preserve

Newton Community Preservation Plan

This project serves several priorities in the current Community Preservation Plan:

- ♦ smaller parcels adjacent to significant existing open space
- ♦ locations [such as river frontage] that are significant for wildlife habitat
- ♦ waterways (such as Purgatory Cove) that are in poor condition and require intervention to prevent further deterioration

In addition, this project constitutes the sort of opportunity targeted in the Plan as follows:

- ♦ the scarcity [of open space] in our more densely populated neighborhoods means that we will need to ... act expeditiously to ... protect these treasures if the time comes

Finally, the Plan emphasizes the importance of using Community Preservation funds to realize goals already identified in other City and neighborhood plans not written as proposals for the use of Community Preservation funds. As noted above, both the *Open Space Plan* and the report of the *Flowed Meadow Planning Group* identify the acquisition of 30 Wabasso Street as an important priority.

Overarching CP Plan Goals addressed by this project

1. Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.
4. Leverage other public and/or private funds.
5. Preserve a resource or opportunity that would otherwise be lost.
6. Show that a project is the most reasonable available option to achieve the objective.
7. Demonstrate strong community support.
8. Serve to equitably distribute CPA funds throughout the City.

Comments on selected goals:

1. *Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.*

Flowed Meadow is a part of Newton's character-defining Charles River heritage. In the late nineteenth and early twentieth centuries, this portion of the Charles (the "Lakes District") was highly valued for recreation. During much of the twentieth century, in contrast, river wetlands (including Flowed Meadow) were often neglected, filled in, or used for dumping. In the late twentieth century, Newton rediscovered the ecological and human value of the Charles River's banks and meadows. Restoring natural conditions and improving public access to Flowed Meadow will help to protect this special place in perpetuity.

4. *Leverage other public and/or private funds.*
5. *Preserve a resource or opportunity that would otherwise be lost.*
6. *Show that a project is the most reasonable available option to achieve the objective.*

As noted above, allocating Community Preservation funds to acquire this property will leverage additional City funds for site remediation and demolition.

The current owners (heirs of Mr. Thomas Wightman) have made it clear that they will not accept less than the agreed-upon price of \$355,000, and will put the property back on the market if the City does not close on its proposed purchase of the property by 19 October 2007. For the past several years Mr. Wightman was in ill health and did not actively object to the public walking past or across it. However, a new private owner could restrict such access, and the City might have to wait many years for a new opportunity to acquire the parcel.

The agreed-on purchase price is within the range of values established by the two professional appraisals of the property, of which the application includes summaries. Full copies of both appraisals are available for examination in the City of Newton Law Department and Planning Department, and can be provided upon request.

7. *Demonstrate strong community support.*
8. *Serve to equitably distribute CPA funds throughout the City.*

Many residents of Auburndale/West Newton strongly support this project. They have looked forward eagerly to the restoration of natural conditions and improved public access to Flowed Meadow since the City's incinerator and landfill - both in their neighborhood - were closed and capped, respectively.

Open Space CP Plan Goals addressed by this project

1. Protect land listed as a priority in the Open Space and Recreation Plan.
2. Expand existing open spaces.
3. Enhance biodiversity or wildlife habitat and reclaim natural resources.
4. Protect wetlands, mitigate flooding, and improve groundwater recharge.
6. Enable the development of passive recreation.
7. Support nature-related education, scientific study, or observation & enjoyment.
8. Protect a natural feature of special interest, such as a vista or a geologic formation.
9. Enhance public access.
10. Provide linkages and wildlife corridors between open spaces.
11. Preserve and create linear open space for walking, bicycling, birding and other passive recreation activities.

Comments on selected goals:

Most of these goals are already addressed above. In addition, by preserving and enhancing public access to views of the Charles River, this project will address *goal 8*, by protecting views of Purgatory Cove and the Charles River.

Open Space Plan (2003-2007)

From p. 94--

ACTION PROGRAM

CONSERVATION OF LAND AND WATER RESOURCES						
	MAP CODE	FISCAL YEAR				
	INDEX NO.	03	04	05	06	07
<i>Acquisition by City of Newton by gift or purchase:</i>						
Acquisition of West Kessler Woods ("Edison Land"- now owned by N-Star) 9.20 acres bordering on Saw Mill Brook if funds become available, or by negotiation of a Conservation Restriction	58	X	X			
Acquire three remaining lots on Wabasso Street and Forest Grove abutting the Charles River access and pathway when offered for sale	Near 219	X	X	X	X	X
<i>Acquisition by City of Newton by gift, purchase or negotiation of a Conservation</i>						

Flowed Meadow Planning Group Report August 2000

This report makes the following references to Wabasso Street:

Public acquisition (pp. 12, 17)

- ◆ Wabasso Street must be kept open for the owner of private property at the end of the road. Inviting more visitors and having a parking lot at this time could prove problematic. ... (p. 12)
- ◆ The privately owned parcels which lie immediately adjacent to the City-owned and MDC-owned land in the general area should be identified and listed in the City's Open Space Plan. When and if offered for sale, the City should be prepared to compete in the open market to purchase them and add them to the Flowed Meadow open space

Desirable improvements when & if the Wabasso Street private properties are all added to the public Conservation Area (pp. 10-11):

- ◆ Educational and directional signage to welcome visitors entering from ... Riverview Avenue and Wabasso Street
- ◆ A birding/marsh observation area with appropriate seating at the top of the hillside ...
- ◆ A new side trail between Wabasso Street and 'The Knob' [owned by the Metropolitan District Commission]

7. CONDITIONS OF CPC RECOMMENDATION

The Community Preservation Committee recommends funding this request subject to the following conditions:

1. §12(a) of the Community Preservation Act requires that real property interests acquired with Community Preservation funds be bound by a **permanent deed restriction**. The Conservation Commission has agreed to convey to the Newton Conservators such a restriction for 30 Wabasso Street
2. §12(b) of the Act requires that real property interests acquired with Community Preservation funds be **owned by the City**. Upon closing, 30 Wabasso Street will be deeded to the City of Newton, under the jurisdiction of the Conservation Commission.
3. As specified in their written expressions of support for this project, the Conservation Commission and the Newton Conservators will negotiate an **agreement for the monitoring**

and enforcement of the Conservation Restriction in #1 above, in perpetuity: the Conservators will accept legal responsibility for monitoring the restriction, and the City of Newton will accept legal responsibility for enforcing it.

- 4. Any portion of the Community Preservation Fund grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.**

8. ATTACHMENTS

Project proposal submitted to the Community Preservation Committee on 17 July 2007, revised & updated 1 August 2007, including:

- ◆ Project area maps
- ◆ Letters of support