



## *the Newton Conservators*

# NEWSLETTER

December Issue

<http://www.newtonconservators.org>

December 2000

## Community Preservation

By Jim Broderick

The Community Preservation Committee of the Conservators is studying the feasibility of a Newton referendum in November 2001 to utilize the Community Preservation Act. The committee has met twice with advocates for affordable housing and for historic preservation in Newton and with the president of the League of Women Voters to discuss the CPA, which established a state and local partnership to help strengthen the ability of cities and towns to preserve open space and historic sites and to increase affordable housing.

The state has established a pool of funds, calculated to be about 26 million annually, that communities can gain access to by raising their own funds from a surcharge (at a percentage chosen by each community) on property taxes. The combination of funds must then be used to invest in open space, affordable housing and historic sites. (See the accompanying article on the CPA Process)

Open spaces such as the 42 acres of the Kessler Woods (reputedly valued at 15 million) and the 2.2 acre Angino farm (valued at more than a million) might be immediate targets for an open space fund. The 20 acres of open space sold or pending sale by Andover Newton might have been saved by an open space fund or bonding capacity. The MBTA has considered development of its Woodland Station land and for Riverside Station. Nine acres on Rt. 9 in Thompsonville, that contains wetlands and an old gas station, are slated for development.

Neither the City nor the Conservators have access to sufficient funds act decisively when open spaces come on the market. Newton's acceptance of

the CPA would provide stream of revenue or bond revenues against the stream of revenues that could be used to preserve open space.

The CPA allows a city to set a surcharge of up to 3% of its property tax revenues with three possible types of exemptions, which would be spelled out in the referendum submitted to the voters. The exemption for owner-occupied residences of low-income or senior moderate-income owners, would negligibly affect the revenue stream for community preservation. Newton's current tax rates are \$12.06/\$1,000 for residences and \$27.97/\$1,000 for commercial and industrial property. If only the indicated exemption is allowed, a 1% surcharge would produce approximately \$1,281,000 annually; a 2% surcharge, \$2,562,000; and a 3% surcharge 3,483,000. For the average residence (valued at \$484,000) a 1% surcharge would be \$58.43; a 2% surcharge, \$116.86; a 3% surcharge \$175.29.

If Newton exempted \$100,000 of the assessment of residences, the revenue generated by a 1% surcharge would be \$991,945; by a 2% surcharge \$1,983,000; by a 3% surcharge \$2,975,000. For the average residence then the 1% surcharge would be \$46.37; the 2% surcharge, 72.74; the 3% surcharge, 139.11.

If Newton exempted both \$100,000 on residences and commercial and industrial properties, the revenue generated by a 1% surcharge would be \$725,000; by a 2% surcharge, \$1,453,000; by a 3% surcharge, \$2,180,000. The surcharge on

residences would remain the same as with the exemption for \$100,000, given above.

The Massachusetts CPA Fund would provide a matching amount of 5% to 100% of the Newton revenue, depending on the number of communities utilizing CPA funds in a given year. Whatever the surcharge level and matching amounts, the funds provided would dramatically improve our efforts to preserve open space and historic sites and to provide affordable housing.

## **The Community Preservation Process**

by Jim Broderick

This following is a scenario of how Newton might utilize the Community Preservation Act.

1. The Board of Aldermen votes to adopt the Community Preservation Act (CPA) and determines the amount of the surcharge (up to 3%) that would be assessed on the real property tax levy and any exemptions to the surcharge. Citizens could also place the CPA on the ballot through the initiative process

2. The CPA is submitted to voters at the next regular municipal or state election as a ballot question.

3. The Aldermen appoint a Community Preservation Committee, according to CPA guidelines.

4. The Community Preservation Committee holds public hearings, studies Newton's needs and resources, consults local commissions, and makes specific recommendations on CPA projects. Citizens can also make recommendations for CPA projects.

5. After receiving the CPC's recommendations, the Board authorizes CPA spending. The city must spend at least 10% of its CPA funds on open space and recreation, 10% on historic preservation, at least 10% on affordable housing, and no more than 5% on administration and operation of the program.

6. Newton notifies the Department of Revenue that it has adopted the CPA, and certifies the percentage of the surcharge and the amount raised by the surcharge in the past fiscal year.

7. The state contributes to community preservation efforts by collecting a surcharge of \$20

on all filings at the Registry of Deeds except municipal liens (\$10 surcharge) and homestead declarations (exempt from surcharge) and a \$20 surcharge on filings to register land with Land Court (judicial filings are excluded). These funds are put in the Massachusetts CPA Trust Fund, which is administered by the Dept. of Revenue.

8. The Revenue Commissioner determines the annual distribution of state CPA money according to a formula in the Act. The formula divides the available CPA money into 2 pots. The first, consisting of 80% of the total, is divided equally among all communities statewide in the CPA, up to 100% of the revenue raised locally. The second pot ( 20% of the total) is divided according to an equitable distribution formula to aid smaller or less affluent communities. Every participant receives some additional money from the equitable distribution, but not more than the revenue raised through the real property surcharge.

9. Newton would be eligible for the state grant every year it maintains its own CPA surcharge. This state contribution is permanent, not based on bonding or legislative appropriation.

10. Newton can opt out of the CPA in 5 years and end the surcharge.

11. The CPA would go into effect on Dec. 14. At that time, new fees will go into effect.



**Oak Hill Path between Sawmill Brook and Wells Ave**

## Conservators Lecture Series

by Ted Kuklinski

The Newton Conservators, Inc. is instituting a new, twice yearly, series of lecture programs in cooperation with the Newton Free Library. The inaugural speaker in the series is the well known naturalist, Peter Alden, author of the popular National Audubon Society Field Guide to New England. His slide lecture on "The Birds and the Bees, the Flowers and the Trees" gives an overview of biological diversity in Newton.

Mr. Alden is a world famous birder and lecturer. He is on staff at the Massachusetts Executive Office of Environmental Affairs and was the force behind the Massachusetts Biodiversity Days, begun last June. The lecture will be at the Newton Public Library in March at a date and time to be determined at press time, so watch local newspapers, the library newsletter, and our website for details. Signed copies of Mr. Alden's field guides will be available after his lecture.



**Bridge over Sawmill Brook from Boston's Millenium Park to Brook Farm/Oak Hill Paths**

**The Newton: Conservators Newsletter**© appears three or four times a year. Editor: Michael Clarke. Production: Bonnie Carter, 969-0686. We wish to thank the contributors to this edition of the **Newsletter**: Mike Clarke, Ted Kuklinski, Ruth Balsler, Kay Khan, Jim Broderick, Sarah Barnett.  
Newton Conservators, Inc.

## "No Net Loss" of Open Space

from Representative Ruth Balsler's Office

Last term, the Open Space Subcommittee of the Mass. legislatures Joint Committee on Local Affairs produced a report on the number of bills that the Local Affairs Committee passed, which resulted in the transfer of conservation land for other purposes, such as new schools. While Article 97 of the state constitution requires a two-thirds majority of the legislature to convert community open spaces to other uses, passage is traditionally viewed as a courtesy to local legislators.

Under Rep. Ruth Balsler's leadership, the Open Space Subcommittee of the Joint Committee on Local Affairs has focused attention on the loss of open space in densely populated urban areas. This past term, when such bills were heard by the Joint Affairs Committee, community representatives were questioned as to alternatives to open space conversion. Rep. Balsler was honored by an award from the Environmental League of Massachusetts recognizing her efforts in trying to protect community open space from Article 97 land transfers, when alternatives might be available.

In the coming term, Rep. Balsler's top environmental legislative priority will be passage of the "No Net Loss" bill to be re-introduced by Senator Pam Resor with Rep. Balsler as the chief House sponsor. This bill would prevent cities and towns from using protected land unless it is replaced with comparable land. Sen Resor and Rep. Balsler are urging all environmental organizations to identify this bill as a top legislative priority.

Locally, protection of Hammond Pond is a top priority. Rep. Balsler has met with the Mass. Highway Department to discuss the issue of sorting out the Department's responsibility from the Mall's. She will also be meet with the Department of Environmental Protection to seek their assistance.

**The Newton: Conservators Board of Directors Meetings** are normal held on the fourth Wednesday of the Month. The next meeting is January 24, Rm 202 of Newton City Hall.

## **Metro Parks Council Follows Up on Meeting with MDC Commissioner**

by Mike Clarke

Following the Metropolitan Park Council meeting on September 21 to discuss the Metropolitan Park System with met with Metropolitan District Commission (MDC) Commissioner David Balfour, and Executive Office of Environmental Affairs (EOEA) representative Betsy Shure Gross, the Council plans to issue a report card on the MDC's progress since the Green Ribbon Commission's Report in 1996. The Council also plans to vigorously support the "No Net Loss" bill introduced into the state legislature by Sen. Pam Resor. This bill, which has the support of many members of the Newton delegation, would require communities that transfer open space under Article 97 for other purposes such as schools or municipal facilities to provide replacement open space

The Metropolitan Parks Council is concerned with regional planning for the parks systems in the Boston Metropolitan area. Some MDC lands are in desperate need of attention, increased funding, and planning that utilizes the open space for park use, rather than development.

Funding for the MDC underwent a 50% cut in in the Weld administration. This has lead to an increasing erosion of the park infrastructure. While the MDC staff strives valiantly to protect and maintain the MDC parks, Commissioner Balfour has spent much of his time entertaining proposals for new hockey complexes and filling in the Quincy quarries. Moreover, under Balfour's leadership a previously active volunteer program has been allowed to lapse. There is now only one MDC ranger for each 8,000 acres, so that illegal dumping and trail damage cannot be controlled. The hours for the popular Blue Hills Museum hav been cut in half.

Commissioner Balfour and the Metro Parks Council are at odds over the ease with which MDC lands can be transferred for other purposes. While Article 97 of the state constitutions requires a two-thirds majority vote of the state legislature, this has proven to provide little protection, since legislators often view this as a minor bargaining chip or even a professional courtesy to be used in play with other state and community legislators.

The Metro Parks Council called for a moratorium on all transfers of MDC land until an inventory has been taken and a master plan approved. Meanwhile, environmental groups must rally public support for better funding for open space. Of particular importance to Newton is funding for the MDC's Charles River Pathway, particularly in south Newton, where it could connect Nathanton Park through wooded walking paths to Boston's new Millenium Park.

Representative Kay Khan has called a meeting of metropolitan legislators to sign onto bills concerning the Metropolitan Park System and to discuss the possibility of a permanent Metropolitan Park Caucus. The bills that will be available for signing include a new bill to be filed by Representative Khan authorizing and directing the MDC to apply to place the Metropolitan Park System on the National Register of Historic Sites.

### **Legislative Developments**

from Representative Kay Khan's Office

Representative Kay Khan is helping to lead a number of initiatives that would enhance Newton resident's opportunities for enjoying outdoor recreation. Rep. Khan was the lead House sponsor of legislation to fund a program to breed natural predators of the Hemlock Woolly Adelgid beetle that has caused great damage to Hemlock trees across the region. The State will spend \$60,000 on a trial program based in Newton's Hemlock Gorge beginning next Spring. Rep. Khan is also helping to lead efforts to assist Community Rowing, Inc. to acquire funding for the construction of a public boathouse along the Charles River near the Newton-Watertown border. Over 1,000 people participate in the Community Rowing program that is now housed next to the Daly Rink on Nonantum Rd. along the Charles River, which is also the proposed site for the new boathouse. As co-chair of the Legislature's Charles River Caucus with Senator Cynthia Creem, Rep. Khan is working to gather support for improvements along the Charles River from the Watertown dam to the Science Museum. The MDC is expected to release a Master Plan for improvements along the Charles in the next few weeks.

## **Andover-Newton Hill**

by Sarah Barnett

Hebrew College petitioned to add 30 ft. to their proposed library near the Andover Newton campus and asked to be excused from the zoning ordinance that requires replacement of any reduction of the required setback from the Andover-Newton property with a compensating setback from another of their property lines. There is space for the compensating setback on other sides of the Hebrew College campus. The Board of Aldermen, at their meeting on Nov. 29, approved the addition of 30 ft. to the library and waived the requirement for a compensating setback. Only 3 years ago Hebrew College advocated for the zoning ordinance requiring compensating setbacks. This ordinance was supported by the Newton Conservators, the Bowen Thompsonville Neighborhood Association, and approved by the Board of Aldermen.

**Terraces.** A public hearing was held on Nov. 14 by the Land Use Committee on a request for special permit/site plan approval from Terraces LLC to build 38 townhouses on 8 acres of land on the southern slope of Andover-Newton Hill and to change the current zoning of Single Residence 3 to Multiple Residence 1. Opposition to a change in zoning was expressed because it could lead to an even greater build-out and loss of open space.

It now appears that the Vista from the southern end of the Andover Newton campus (between Stoddard and the Berkeley Room) of several miles of lowlands and uplands to the Blue Hills would not be greatly obstructed by the Terraces' roof ridges and their distance from the end of the Andover Newton Campus. The Newton Conservators and the Bowen Thompsonville Neighborhood Association requested that a Conservation Restriction be granted by Terraces and by Andover Newton Theological School so that the Vista would be preserved for present and future generations.

The Newton Conservators and the BTNA also requested that the walking path from the lower end of the southern slope (Langley Path) to the top of hill (a path which had been in an earlier version of the Terraces proposal) be built and public access provided.

Concern was expressed by both groups as to whether the drainage plans were adequate to

prevent flooding of Bowen Field and Cypress St.

The Conservators asked that the trees to remain on the land be well protected during the construction process. The Conservators also requested a 90 ft. green buffer zone be continued from Hebrew College around the southern end of the Hill to connect with the area of conservation restriction which Terraces is offering on the steep slope along Cypress St. The continuous 90 ft. buffer would provide a wildlife corridor between the Webster Vale/Weeks Field/Crystal Lake/Cold Spring Park.

The Planning Department's Report noted that "a reduction in the number of units, in the building footprints, the driveway lengths and the roadway width would help to alleviate the perceived overcrowding of this portion of the site."

Concern was expressed over the large increase in automobile travel and pedestrian safety issues that will result from the addition of Hebrew College, Management Sciences for Health, and Terraces to Andover Newton Hill.

For further information contact: BTNA at 965-5880 or LSull487@aol.com

## **Christmas Bird Count - 2000**

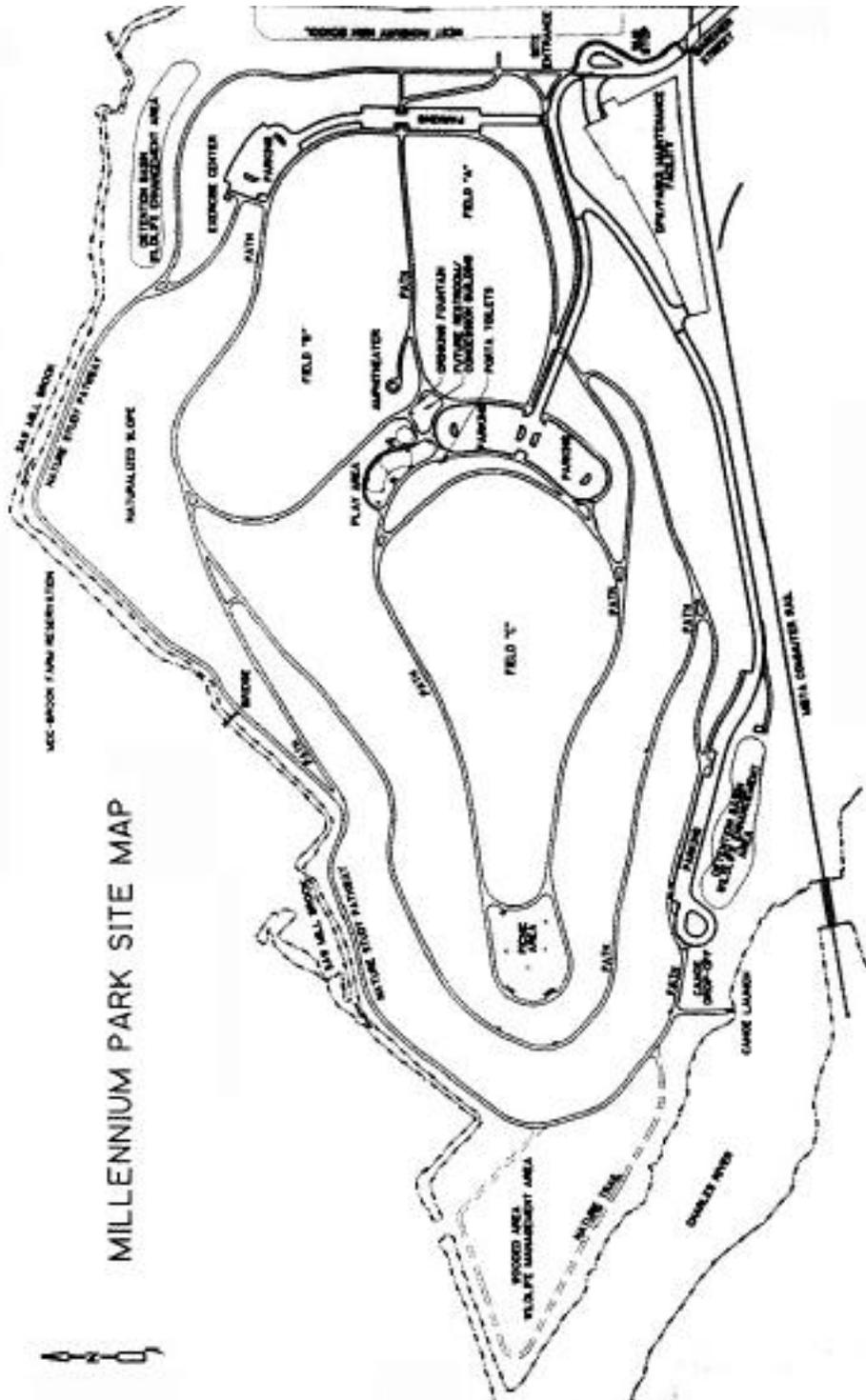
by Ted Kuklinski

The annual Newton Christmas Bird Count will be on Sunday, December 17. Begun in 1900 and done all over the country by teams of birders, the local counts are performed to detect changes in numbers over the years help to spot environmental trends in local areas. Over the history of the count in Newton, 91 species have been seen.

Experienced and non-experienced birders are welcome. Non-experienced birders will be paired with an experienced group. Beginning around 6:30 AM, 4 or 5 teams of 2-3 people will fan out over Newton to count as many birds of all types as they can. You may participate for only a few hours.

For the truly intrepid, there is also owling at 3 am. Typically, there are great looks at as many as a half a dozen screech owls in addition to looking for the more infrequent Great Horned and Barred Owls.

If you are interested in participating, please contact Newton coordinator Michael Partridge (Michael\_Partridge@vpharm.com) at 617-577-6108 (work) or 617-527-7990 (home).



## Boston's Millennium Park Connects to Oak Hill Trails

By Mike Clarke

The recently completed Millennium Park near West Roxbury High School on the site of a former landfill hill now provides miles of walking trails, playing fields, a canoe launch on the Charles, a nature trail and wonderful views of the Blue Hills and Newton's Hills.

A bridge across Saw Mill Brook connects this new park with the Oak Hill trails that run by Brook Farm and connect to Wells Ave. (See pictures elsewhere in this Newsletter.) Newton residents can now walk through woods from Nahanton Park to Boston's Millennium Park or canoe between the canoe docks in Nahanton Park and Boston's Millennium Park.

The paths between Nahanton Park and Boston's Millennium Park constitute the southernmost segments of the Charles River Pathway, which the MDC is expected to improve with an unpaved surface and additional bridges.

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