



*Working to preserve open space in Newton for 43 years!*

## *the Newton Conservators*

# NEWSLETTER

Fall Issue

[www.newtonconservators.org](http://www.newtonconservators.org)

September / October 2003

## ***THE KESSELER WOODS STORY***

### *An Inside Look at How this Minor Miracle Came to Pass*

Remarkably, the City of Newton has prevailed in its effort to acquire the 42-acre Kessler Woods property owned by NStar (formerly Boston Edison). The story of how this extraordinary achievement came to pass is only partially known, because of the need for secrecy at critical points along the way, given the decision by NStar to sell the property by auction. A more public process would have jeopardized the city's ability to succeed in this competitive process, but now the details of the story can be revealed. Interestingly, local news organizations have shown little interest in telling this story in a thorough and accurate way. So here's how it looked from the inside.

When NStar notified the city in January that it intended to sell this property on the southeast corner of Newton by auction, three things became clear. First, NStar had no intention of giving the city a break in its effort to acquire the land. The Newton Conservators had been informally discussing ways to transfer the property to city ownership, so the company was aware that the city was interested and that other avenues were open for achieving this result.

Our belief at the time was that NStar felt constrained because of the oversight role of the Attorney General to create a process that demonstrated that it would get the maximum value for the land. The AG's oversight role resulted from energy deregulation legislation enacted in the mid-90s that required ratepayer relief through the disposal of

*(Continued on page 2)*

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## **Addition to Dolan Pond Becomes a Reality**

Before she passed away in January of this year at age 104, Irene Forte had expressed a desire that much of her property be preserved as open space. With the passage of the CPA in Newton, a tool was finally in place to help fulfill her wishes. The Forte property at 76 Webster Park is a 1.15-acre parcel directly adjacent to the main entrance of the newly renovated Dolan Pond Conservation Area in West Newton. The Forte house, built in 1925, is in the Webster Park Historical District where many houses date from the 1840's.

Shortly after Irene Forte's death, the Newton Conservators were contacted by her nephew, the executor of her estate, to see if the Conservators were interested in the property. While he had received some property valuations as high as \$1.5 million, the estate was willing to keep the property

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*Save the Date*  
**Newton Conservators FALL LECTURE**  
**November 17, 2004—Newton Free Library**  
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*Kessler Woods, continued from page 1*

all surplus assets. Kessler Woods was NStar's last remaining unused property.

The second thing that became clear when NStar announced its intention to sell the property by auction is that the city had too little time under NStar's six-week bidding schedule to craft a qualifying proposal. The public sector requires more time than private developers to make things happen, and we would need an extension in order to participate. Mayor Cohen was successful in convincing the Attorney General to require longer bidding period, and the time frame was extended from February 21<sup>st</sup> to June 20<sup>th</sup>.

Finally, it was clear that the city could not afford to purchase this land by itself, even though preserving the entire 42+ acres as open space was everyone's initial goal. Reluctantly, the task force convened by the Mayor to advise him in this process agreed that a private development partner, who would share acquisition costs with the city, offered the city its best chance to succeed. The question then became how to find a partner who had the interest, the cash and a willingness to work with the city to achieve its goals for the property.

Three steps would be needed to move in this direction. First, a series of conceptual designs would be needed to understand the development constraints, how the property might be developed under various scenarios and the highest and best use of the property from the city's point of view. Second, a land appraisal would be needed to help the city determine the value of the property. And third, a set of goals needed to be articulated for the benefit of potential partners as well as our own purposes in crafting a bid strategy.

A request for up to \$50,000 was submitted to the Community Preservation Committee to fund the services of a land planner and an appraiser. This expenditure was approved by CPC and the Board of Aldermen in February. Sasaki Associates and LandVest, both highly respected firms, were hired to handle the land planning and appraisal projects, respectively.

Out of this phase of the process came a set of goals (see April/May Conservators Newsletter) and a template for use of the land that became the basis for issuance of a Request for Interest to the development community. To our surprise, xx developers submitted proposals to the city. These proposals covered a wide range of ideas, including some that were very creative

in responding to the city's goals and others that seemed not to have read our criteria (one developer proposed up to 246 housing units). The list was quickly whittled down to a handful of the most responsive proposals.

After careful evaluation of each developer's proposal, track record, financial capacity, and flexibility in working with the city, Cornerstone was selected as our partner. Several factors distinguished Cornerstone from the others:

- Their proposal fit our open space preservation and development goals closely,
- The cluster housing they suggested for the area off LaGrange Street was cleverly designed to look like large single-family homes, making them visually more in keeping with the neighborhood,
- They were willing to work flexibly with the city toward a final bid agreement, and
- They proposed a contribution toward land acquisition that made the financial part of the project work.

After a period of negotiation, Cornerstone and the city agreed to bid \$11.3 million for the property, with the city contributing \$5 million and Cornerstone the remaining \$6.3 million. In exchange for its contribution, Cornerstone would be allowed to build 8 single-family homes off Brookline Street and 55 units of multi-family housing, 20% of which would be affordable, off LaGrange. This would leave the southernmost sections of the parcel undeveloped, which would enable connection of the large pieces of open space in that area (Saw Mill Brook Conservation Area and Bald Pate Meadow) already owned by the city. We believed that the development constraints and associated risks associated with the Kessler Woods property (see April/May Conservators Newsletter) would keep the bid prices low and that a \$11.3 million bid could indeed prevail.

The Community Preservation Committee and the Board of Aldermen met separately and together in executive session to consider a request to fund the \$5 million city portion from CPA funds. This would require bonding against future CPA revenues over a 10-year period, requiring that we set aside 40% of next year's fund to pay down the bond. This share would decline by a percent in each of the remaining years to 30% in year ten. The actual amounts range from \$680,000 in year one to \$518,000 in year ten.

The main concern of both groups was the amount of affordable housing included in the plan and, with agreement that the number of affordable units would be increased to 20% of the LaGrange Street development, the CPC unanimously recommended to the Board of Aldermen that these funds be approved. The Board ultimately did approve the \$5 million and the bid was submitted on Friday, June 20<sup>th</sup> to NStar.

The company indicated in its bid spec that the winner of the auction would be announced the following week, but the following week came and went with no word. Finally, in mid-July we learned that there would be a second round of bidding. An unidentified developer had submitted a high bid (the rumor is that it was nearly twice as much as the second-place bid), but had failed to close the sale. Now NStar was opening a second round to the three or four highest bidders from the first round. The city was one of those invited to submit a new proposal and bids were due on Friday, August 8<sup>th</sup>.

Knowing that there had been a higher bidder and that those invited back would be re-examining their assumptions, the Mayor went back to the appraisal data developed for the first round and, working with Cornerstone, determined how much more the city would need to offer to win the auction. That led to a discussion about how much the city could afford to add to the \$5 million already approved and how many more units of housing would need to be added to the first-round proposal to justify additional dollars from Cornerstone.

By early August, a deal had been struck. If the city put up an additional \$1 million, Cornerstone would add \$2.8 million to its previous share for a total bid of \$15.1 million. In exchange for the additional \$2.8 million, the developer added three house lots to the eight already agreed along Brookline Street and seven units of multi-family housing in the area off LaGrange Street. This meant the total number of units would increase from 63 to 73 units.

On August 4<sup>th</sup>, the Community Preservation Committee met, again in executive session, to consider the Mayor's request for the additional \$1 million. Since there was not time for the Board of Aldermen to act on the request, the CPC did not take a formal vote that evening. But it did discuss the proposal at length and gave the Mayor its support in principle. Later that evening, the committee met in

executive session with the Board of Aldermen for the purpose of presenting its position in support.

The Mayor then asked the Board for its sense of whether he was on the right track with this deal and whether they would likely approve the request for an additional \$1 million in CPA funds, should the city prevail at the auction. With another plea for a minimum of 20% affordable units along LaGrange Street (the number had fallen one unit below that threshold as a result of the negotiation with Cornerstone), the Board gave its tentative approval.

On Friday, August 8<sup>th</sup>, the city and Cornerstone submitted a bid for \$15.1 million for the NStar property. The next week, we learned that ours was the winning bid. The rumor mill, again, indicated that we prevailed by a narrow margin, making our success all the sweeter. On August 28<sup>th</sup>, Cornerstone and the city signed a Purchase and Sale Agreement with NStar. The transaction is expected to close on January 7, 2004.

The Community Preservation Committee met again on September 2<sup>nd</sup> to formally consider the Mayor's request for the additional \$1 million. About 20 citizens attended the meeting, many of whom were neighbors and all but one of whom spoke strongly in favor of the project. CPC voted unanimously to recommend to the Board of Aldermen that the city expend the additional million in CPA funds. If approved, this will raise the share of local CPA annual revenue devoted to acquisition of Kessler Woods to 48% in the first year. By year ten, that share will fall to 37%. Actual amounts range from \$816,000 in 2004 to \$621,000 in 2014, when the bond is fully paid down.

This recommendation now goes to the Board of Aldermen for consideration. Two Board committees, the Ad hoc Committee on Community Preservation and the Finance Committee, will formally review and vote on the request, followed by the full Board, probably sometime in October.

Meanwhile, a number of steps will be set in motion to move this project along. First, the conceptual plans developed during the bidding process will be fleshed out. Cornerstone will likely begin with the single-family houses along Brookline Street, since most can be built without special permit or other approvals. The city's agreement with Cornerstone allows three of these homes to be constructed in rear lots. This will require special

permit approval by the Board of Aldermen under the rear-lot subdivision ordinance.

Planning for the multi-family housing development along LaGrange Street will likely follow the Brookline Street subdivision. This part of the project would also require a special permit because its density exceeds the number of units permitted by the zoning ordinance. Also, grade changes of more than three feet are likely to be required, again triggering a petition for special permit. In approving CPA funds for purchase of the land, the Board of Aldermen does not by default signal its approval for special permit applications required for the project. Each special permit request will be considered on its merits and action will be taken independent of the Board's earlier votes.

Knowing this, Cornerstone negotiated a fall-back position. If special permits are not approved, the developer is entitled to build up to 80 single-family homes and/or multi-family units in a configuration that conforms to the zoning ordinance or that is allowed by the state's anti-snob zoning law. In either case, 20% of the units are required by the agreement to meet affordable housing standards.

The lots on Brookline and LaGrange Streets are required to be situated in a way that creates a substantial buffer zone between the new homes and existing homes on Harwich Road in Newton and Rangeley Road in Brookline. If the special permit is not approved by the Board of Aldermen, the layout Cornerstone chooses may not provide this degree of separation, since the amount of open space in these two areas will likely be reduced or eliminated.

Another contingency affecting the number of housing units is included in the agreement with Cornerstone. If the Board of Aldermen fails to approve the additional \$1 million from CPA funds, Cornerstone will contribute the million dollars to the deal, but will build three additional single-family homes off Brookline Street. This too would greatly reduce or eliminate the buffer zone negotiated as part of the preferred development plan.

In addition to the Board of Aldermen, the developer must go before the Conservation Commission to get approval to build near the brooks and wetlands that run through this property (Saw Mill Brook and its tributaries). The conceptual plan is to keep buildings as far away from the wetlands as possible and to cede ownership of much of the wetlands to the city, either by deed restriction or by

gift. This wetland will be added to the approximately 18 acres the city will purchase with its \$6 million contribution to the deal.

Once purchased, the city plans to assign jurisdiction of this property to the Conservation Commission to be used as conservation land. As mentioned earlier, it will abut two existing conservation areas of significant size, creating a large swath of green space in this section of the city. The land will be used for three primary purposes: passive recreation, wildlife habitat and wetland preservation, permitting groundwater recharge. Existing walking trails will be extended and new trails will be constructed, offering connections among the various conservation areas, new and old.

In meeting in executive session, the CPC and the Board of Aldermen followed the provisions of the state's Open Meeting Law, which allows municipal boards to go into executive session to consider land acquisitions, among other reasons. This part of the law recognizes the sensitive nature of these transactions and the disadvantage that would be created by requiring deliberations to be part of the public record. This would provide potential competitors information that would virtually guarantee their ability to outbid the city in its effort to acquire land.

The Open Meeting Law does require disclosure of minutes and other documents after the outcome of the process is known. This information is now available on the city's Web site at [ci.newton.ma.us](http://ci.newton.ma.us).

*Doug Dickson*

**The Newton Conservators Newsletter**© is published five times each year by the Newton Conservators, Inc. Issues usually appear in February, April, June, September and November. Deadlines for these issues are the fifth of each month in which an issue is scheduled to be published.

We welcome material related to our mission from any source. Send proposed articles by email in MS Word or rich text format to [dgdickson@rcn.com](mailto:dgdickson@rcn.com). Digitized photographs, maps and diagrams are also welcome.

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Thanks to the following contributors to this edition of the Newsletter: Jim Broderick, Doug Dickson, Peter Kastner, Ted Kuklinski and Eric Reenstierna. Thanks also to Douglas Leith for his excellent proofreading services.

*Dolan Pond, continued from page 1*

off the market and offered it for \$1.1 million, provided that our organization could put together a plan to save a good portion as open space and be able to raise the necessary funds in a reasonable amount of time.

This began a series of events which we expect will result in a wonderful outcome for open space, community housing, and historical interests in the very near future. The Conservators Board of Directors devoted considerable time and energy planning a strategy for this acquisition. There were some lively neighborhood meetings sponsored by the Friends of Dolan Pond, which took place to explain the project and to gather neighborhood input. Ultimately, it was decided to pursue funding through the Community Preservation Act (CPA) process in partnership with the Newton Housing Authority (NHA) and co-sponsorship by the Newton Conservation Commission (with the assistance of Environmental Planner, Martha Aherin Horn). The Newton Historical Society wrote a letter of support. Harvey Epstein, special projects coordinator at NHA, put considerable energy into this project. Jonathan Hacker, director of the NHA, along with other staff members at NHA, were very enthusiastic and attended many of the hearings and meetings that subsequently took place, helping to convince the various committees of the merits of this project. It was a great exercise in cooperation between open space, housing, and historical interests.

Jennifer Goldson, the CPA Planner in the Planning Department, assisted tremendously with advice and scheduling with the CPA Committee and the all the hearings that were required in the CPA process. The estate had set a strict timetable for completion of various phases: submission of a proposal, appraisal of the property, approval by the CPC, the aldermanic committees, and ultimately the full Board of Aldermen. The proposal was written and submitted to the Community Preservation Committee (CPC) on May 14, where there was an impromptu opportunity to explain the project. The proposal addressed several key areas of the CPA: preservation of open space, creation of community housing, and historical preservation. Thanks to the many Conservators who responded to the appeal for letters of support, which were included in the proposal. Due to the time-sensitive nature of the project, the CPC was able to consider the project

rather than waiting until the next scheduled round of submissions in November. An appraisal was commissioned by the CPC and funded by the Conservators which valued the property somewhat low, we believed, at \$.9 million.

On Thursday, June 5, there was a public hearing before the Community Preservation Committee with a brief presentation, questions, and a great deal of public comment, both for and against the project. There was some opposition to the housing aspects of the project, organized by an abutter who had an alternate approach in mind. The CPC then held their own discussion (with two of our board members, who are CPC members, recusing themselves). The discussion centered around the value of open space and the fact that the official appraisal of the property was less than the asking price. Ultimately they voted to recommend funding with the stipulation that at least two thirds of the property be devoted to open space and that a good faith effort be made to work with the neighborhood on the design and density of the proposed housing units.

Another neighborhood meeting was held on June 14, where the housing portion of the proposal was restructured to include Newton's first Habitat for Humanity project (a small duplex addition to the original house). John Judge, Habitat director for Greater Boston, explained the program and attended subsequent hearings as well. This would provide an owner-occupied component (with sweat equity) and had the strong support of the Green Decade Coalition and Bev Droz, volunteer coordinator for the city. The local carpenter's union promised to provide materials and volunteer labor as well.

The project would next be considered by the Ad Hoc Committee on community Preservation of the Board of Aldermen, chaired by Alderman Amy Sangiolo, and the Finance Committee, chaired by Alderman Paul Coletti. These committees, whose members included 15 out of the 24 aldermen, elected to meet jointly on June 23rd for the purpose of considering CPA matters. Many of the aldermen availed themselves of the opportunity to tour the property and house prior to the hearings and in general they were pleasantly surprised. Some made a complete turnaround in position and became advocates for the project. With the summer, not all members of either committee could attend. A number of questions were raised by the aldermen present, requiring further research. A second session

of the two committees was scheduled on June 30th to discuss the issues raised previously. Thanks to Doug Dickson, Jeffrey Sacks, and Andy Stern of the CPC, who presented the case for the project to the aldermanic committees. Linda Shapiro, a neighbor of Irene's spoke eloquently for the project at both meetings. Sitting in as Finance Chair, Alderman Rick Lipof (who does appraisals professionally) gave his perspective on the valuation and ultimately the committees both recommended funding with no dissenting votes, but some abstentions.

After the meeting, Alderman Steve Linsky was helpful in approaching the estate again on the price issue and suggested that we commission an additional independent appraisal before the Board of Aldermen met. This resulted in an estimation of value between \$1 million and \$1.2 million. The July 14th meeting of the Board of Aldermen was somewhat suspenseful. There was a motion to approve the spending but only up to the amount of the first appraisal. This would have effectively killed the project, since the estate was prepared to put the property on the market. After considerable discussion, this motion was rejected with only one vote in favor. More discussion followed and many aldermen spoke passionately for the project and the ultimate vote was 22-0 in favor of funding.

The next day a motion to reconsider the vote was filed because of a question about the amount of legal frontage, but this was withdrawn after consultation between Alderman Sangiolo and Ouida Young of the city's Law Department. After a 20-day waiting period, the measure became official in early August, meeting the estate's timetable for approval of the funds.

A related background issue was a state law prohibiting cities from spending more than 125% of the average assessed value over the prior three years. This restriction could effectively stop many CPA acquisitions. In response to a request by the Community Preservation Committee (under the leadership of Andy Stern), State Senator Cynthia Creem had introduced a provision under the Municipal Relief Act that would alleviate this problem. It had passed in the Senate but needed to also be added to the measure approved by the House. It ultimately passed both houses and was signed into law in August, making this particular CPA acquisition much easier.

The project then became a matter of working out the appropriate legal agreements between the various involved parties. Bill Shaevel (of the firm of Shaevel and Krems, [www.shaevelkrems.com](http://www.shaevelkrems.com)) is representing the Newton Conservators on a *pro bono* basis. An important meeting, organized by Gayle Smalley of the city's Legal Department, was held between all the legal representatives (Newton Conservators, NHA, Habitat for Humanity, Conservation Commission) and some members of our own Open Space Committee. There were questions as to exactly how the transaction should take place among the various interests.

At press time, the most likely scenario is that the Newton Conservators will enter into a Purchase and Sale Agreement with the estate, with funds coming from the city. The Newton Conservators may initially hold the property and then file for a subdivision into two lots, one of approximately .8 acre in size and another about .35 acres. The .8 acre lot would be conveyed to the Newton Conservation Commission and would add 10% area to the existing Dolan Pond Conservation Area. The .35 acre lot containing the original house may possibly be conveyed to one or both of the housing entities. A special permit will be sought for a duplex to be built behind and attached to the original house (with each duplex unit containing about 1250 sq. ft.). The property would then be "condo-ized" with the original house being fully renovated by the NHA and then rented and the Habitat units being built and owner-occupied (with the occupants required to put in several hundred hours of sweat equity and training). The closing is expected to take place this fall. Stay tuned for further developments.

Thanks to the Conservators Board (and especially our Open Space Committee) for all their help and support on this project. Thanks to all who helped in any way in moving this project forward, the NHA, Habitat, Conservation Commission, Planning Department, the Mayor, CPC, the Board of Aldermen, the Webster Park neighborhood, and the Forte family who sought to follow Irene Forte's wishes. The 76 Webster Park acquisition represents a true CPA success story: Newton will gain new open space, three units of community housing and the restoration of a historical house that likely would have been demolished.

*Ted Kuklinski*

*President's Message*

## **WHERE WE WERE AND WHERE WE ARE**

It was only three years ago that a small group from the Conservators met to begin the renewed work of a land trust: targeting sensitive parcels for acquisition, meeting landowners, and seeking donations. It had been more than 20 years since the city had purchased a major piece of real estate for conservation. We had no access to the kind of money it would take to buy land in Newton. We had only a beginner's knowledge of the tools of land acquisition in this new era. Most of what we had was simply a deep desire to see that Newton's remaining open spaces be preserved.

Look how far we have come.

Today, we have sponsored two acquisitions to expand the city's open spaces, one at the Webster and Cohen Conservation Areas, one at Dolan Pond. We have met with land owners to advise them of how they can make a gift of a conservation restriction to preserve their land, for their own benefit through favorable tax treatment and for the benefit of the community.

We work as a team. At any one time, any of our Board of Directors and some of our Advisors may serve as important contacts with a landowner, to facilitate a protection project. We team with city agencies and other non-profits to be more effective. Conservators serve on the Community Preservation Committee, the Conservation Commission, the Parks and Recreation Commission, the Charles River Watershed Association, and other land trusts and advocacy groups. Our work has benefited other community interests, like affordable housing and historic preservation, opening the door for them at the new Dolan Pond acquisition on the part of the site where a house now stands.

Kessler Woods is not a Conservators project. Credit for that goes to the Mayor, the Board of Aldermen, and the Community Preservation Committee, who crafted a proposal that at the start seemed like a very long shot but that eventually ended in success. We can say, however, that, at the least, the effort was Conservators-inspired.

The Newton Conservators were in negotiation with NStar in the fall of last year for a possible

purchase of Kessler Woods with CPA funds, before NStar decided instead to auction the land. Through that effort, we learned what level of price it was likely to take to acquire the land.

The first proposal for a city-funded acquisition of Kessler was put out in Conservators discussions, at a price and in a format (open space for most of the land; cluster housing to raise money for the bid for the rest) that were virtually identical to the eventual winning offer. We showed the city what it would take to buy the land. The Conservators made valuation advice available to the city through an appraisal. Conservators served on the Mayor's advisory group, helping to shape a proposal. The final plan calls for the Conservators to hold a conservation restriction on the open space at Kessler, assuring that it will remain forever wild.

Most of our success in land acquisition could not happen without the support of the people of Newton, who voted to adopt the Community Preservation Act and give conservation interests the necessary funds. It has also required a commitment to open space on the part of landowners. But these alone are not enough.

It has taken our efforts and the know-how we have developed to bring acquisitions to completion. We have educated ourselves in a very short time. And we have done the hard work. Some among the Conservators have put in very long hours, meeting with landowners, negotiating acquisitions, working out the legal details, making presentations to city agencies for funding, meeting with Aldermen, and attending Aldermanic meetings often until late in the night, to be on hand for questions.

All this has been done for no profit on anyone's part. We have no paid staff. None of us takes a salary. We are amateurs in the true sense of the word. We love what we do. We are volunteers. We will continue to do what we have learned how to do, for a simple reason: to protect what we care about. We care about Newton, and we care about open space. We will continue to work to bring a thing that matters so much to success.

*Eric Reenstierna*

**Attend a Public Meeting on  
COMMUNITY PRESERVATION**

***Monday, September 29, 2003***

Look for ads in The TAB for location

## *All the Things That Didn't Happen at Kessler Woods*

They say you make your own luck. But luck of the kind the city experienced at Kessler Woods is difficult to fabricate.

Here are some of the things that could have gone wrong, but fortunately didn't, in the city's effort to acquire Kessler Woods through NStar's auction process, protecting most of the land as publicly-accessible open space.

**The Over-the-Market Bid** – When a large institution decides that it needs 42 acres for its own purposes and can't get it any other way, it may submit a bid so high that no one else is likely to top it. To attract a bid of that kind is the seller's reason for the auction. In recent years, this strategy worked well for the Turnpike Authority and for Conrail in Allston, where Harvard submitted bids for large parcels of acreage in the hundreds of millions of dollars, roughly double the land's market price. Kessler Woods was potentially attractive to institutions in Newton and Brookline. But none submitted a bid of this kind.

**The Excessive City Bid** – If the city's bid exceeded the second highest bid by a wide margin—say, \$15 million from the city versus \$10 million from the next bidder—the City would have been subject to the criticism that it had vastly overspent and wasted the taxpayers' money. That didn't happen either. The next highest bid was low by only “the price of a Mercedes,” a small amount in comparison to the total bid.

**A Leak** – If the city's bid were leaked, the competition could easily have over-matched the city slightly. Instead, the bid price was kept secret—not a small feat for a local government.

**To Lose Barely** – If the city's bid were short, but just barely, the next discussion in the open space community would likely have been that the city take the land by eminent domain and pay NStar the winning bidder's price. The city has that right. To exercise it might have been perceived as unfair to the winning bidder, of course. And, if the city had spoken of eminent domain before the auction, it could have unfairly poisoned the auction process. Eminent domain has its own pitfalls. If it can be avoided, it is best avoided. Instead, none of that

happened. The city never spoke of eminent domain. And the city was the one that won, just barely.

An auction is about price. The price the city will pay, \$15.1 million, is fair. NStar received unsolicited offers in the range of \$14 to \$15 million before it entered the auction process. It can be argued that, if NStar had marketed the property in standard fashion, through a broker, over the course of several months, it could have gotten a higher price. The land was appraised at a higher price—nearly \$20 million—more than two years ago. NStar has made it a practice to sell its land at auction. The auction process opens the door to very high bids, if there are very high bidders, like institutions, with a pressing need. In this case, the process seems to have worked to NStar's disadvantage—and to the benefit of Newton.

*Eric Reenstierna*

### **Do We Have Your Correct Email Address?**

If your email address has changed recently or if you would like to be added to our Email Alert list, please send your address to Jason Glasgow, Membership Cmte, at [jjglasgow@attbi.com](mailto:jjglasgow@attbi.com).

#### **MISSION Newton Conservators, Inc.**

The Newton Conservators promotes the protection and preservation of natural areas, including parks, playgrounds, forests and streams, which are open or may be converted to open space for the enjoyment and benefit of the people of Newton. It further aims to disseminate information about these and other environmental matters.

A primary goal is to foster the acquisition of land, buildings and other facilities to be used for the encouragement of scientific, educational, recreational, literary and other public pursuits that will promote good citizenship and the general welfare of the people of our community.

*The Newton Conservators was formed as a not-for-profit organization over 40 years ago in June 1961.*

Newton Conservators  
**FALL LECTURE 2003**

*November 17, 2003, 7 PM*

*Druker Auditorium, Newton Free Library*

**Land Protection: Now or Never...Forever**  
*Mass Audubon's New Land Protection Strategy*

(picture)

**BOB WILBUR**

Director of Land Protection, Mass Audubon

Across the Commonwealth, unprecedented rates of development are resulting in accelerated habitat loss and fragmentation. In much of the state, the "window of opportunity" to make a meaningful difference in the conserved landscape is only 10-15 years.

In order to meet this challenge and effectively advance its mission of "Protecting the Nature of Massachusetts," Mass Audubon has recently completed a new Land Protection Strategy to guide its future land protection efforts. The foundation of this plan is a new Geographic Information System data layer that will allow Mass Audubon to be focused, selective and proactive in its land protection work.

Bob Wilber, the Director of Land Protection for Mass Audubon will present a lecture at 7 PM on Monday evening, November 17 at the Druker Auditorium of the Newton Free Library (330 Homer Street). Come learn more about how Mass Audubon ([www.massaudubon.org](http://www.massaudubon.org)), the largest conservation organization in New England, is working to Protect the Nature of Massachusetts and how you can help.

Bob began his career in 1983 with the Massachusetts Department of Environmental Management's Land Acquisition and Protection Program, where he worked until 1996, serving as director for the last seven years with that state agency. He served for three years in a similar capacity with the Massachusetts Chapter of the Nature Conservancy, prior to joining the Audubon staff in July of 2000. Bob is a lifelong Massachusetts resident, and resides in Stow with his family, where he is a current member of the town's Conservation Trust and Open Space and Community Preservation Committees. During his 20-year career in land conservation, Bob has been directly involved in the permanent protection of more than 25,000 acres in Massachusetts.

This free lecture is co-sponsored by the Newton Free Library, ([www.ci.newton.ma.us/library/](http://www.ci.newton.ma.us/library/), 617-796-1360) and the Newton Conservators, [www.newtonconservators.org](http://www.newtonconservators.org), Newton's own organization that promotes the protection and preservation of open space.

Bob Wilber's lecture is the sixth in our twice yearly, Newton Conservators Lecture Series, which features renowned experts in areas related to the open space mission of the Conservators. As part of our educational outreach, the programs are free and open to the public. Many thanks are due to Beth Purcell, Publicity Director of the Newton Free Library, for her assistance in co-sponsoring and promoting the lecture series over the past three years.

Membership information for Mass Audubon and the Newton Conservators will be available at the lecture. Copies of our new Walking Trails in Newton's Park and Conservation Lands will be available for purchase as well, a great holiday gift for your conservation-minded friends!

For further information on this event, please contact the Conservators coordinator for this event, Anne Pearson ([amp1243@rcn.com](mailto:amp1243@rcn.com)).

*Ted Kuklinski*

***New Maps are Complete!***

The long-awaited revised guide to Newton's parks and conservation areas is hot off the press! Published by the Newton Conservators, it will be given to all members free of charge as memberships are renewed. For others, it can be purchased in bookstores for \$7.95.

## ***Kickoff for Ordway Park Fund***

On October 23, neighbors and all Conservators are invited for desert and coffee at the home of Joan and David Rosenberg at 77 Montvale Road to discuss the renewal of Ordway Park as a woodland garden. As reported in previous issues of this Newsletter, a neighbor has pledged a \$10,000 matching grant to start off a campaign to raise an Ordway Park Fund of \$50,000, the income from which will be used solely for the maintenance and improvement of Ordway Park.

Neighborhood interest and the proposal for an Ordway Park Fund come at a propitious time. In recent years, the Conservators Board of Directors has come to realize that volunteer maintenance has done only limited justice to the woodland deeded to the Conservators in 1971 by Priscilla Ordway. A few years ago, a landscaping firm was hired to maintain the paths and remove leaves and saplings. One of the landscape architects on the Board, Corry Berkooz, has recently evaluated present conditions in the park and pointed the way to further steps toward its renewal.

At the same time, the role of the Conservators in Newton has taken on increased dimensions. For its first forty years, the Conservators functioned primarily as an advocate (a very successful one) and occasionally as an intermediary with donors in acquiring open space for the city. However, the Newton Conservators, Inc. was and is organized as a non-profit, independent Land Trust and as such can play other roles, for instance, as an owner of land and as a legal retainer of conservation restrictions on municipal land. With the advent of the Community Preservation Act, the city has turned to the Conservators as it sought to acquire Kessler Woods and the Forte property next to Dolan Pond. When the city found itself legally restricted in making certain commitments and moving quickly, the Conservators has been able to play a very active and crucial role in ways described elsewhere in this issue.

All this is to say that the increasingly important role of the Newton Conservators as a Land Trust brings special emphasis to its stewardship of Ordway Park. An enhanced and renewed woodland garden will be a continuing asset in the city. An endowed Ordway Park Fund will free up other sources of Conservators revenue, always limited, for ( to quote

Newton Conservators Newsletter

our Mission Statement) “scientific, educational, recreational, literary and other public pursuits.” Most importantly, a renewed Ordway Park will demonstrate the quality and persistence of the Newton Conservators as a promoter of “the protection and preservation of natural areas.”

*Jim Broderick*

## ***Newton Conservators Nature Notes***

If you would like to be kept more directly apprised of future nature-related events, walks, lectures, and exhibits, you are invited to join the Newton Conservators-sponsored “Newton Nature Notes” email list by sending an email request to [dolanpond@aol.com](mailto:dolanpond@aol.com) or contacting Ted Kuklinski (617-969-6222).

Newton Nature Notes is automatically sent to members of the Newton Conservators who provide their email addresses as one of the membership benefits. If you are not receiving it, perhaps we don't have a current address. You are welcome to submit any news items for this sporadic e-newsletter to the same address.

*Ted Kuklinski*

## ***MEMBERSHIP NEWS***

### **Membership Dates and Newsletter Distribution**

The Newton Conservators membership term is for one year, extending from January 1 to December 31. Members who join between September 1 and December 31 are given a membership that runs from the time the membership is received until the end of the following year. Members who fail to renew their membership at the start of the year are given a grace period of several months to continue as active members.

Newsletters are sent to active members, including those individuals who fall into the grace period at the start of each new membership year. In the past, the Newton Conservators have carried some people on the Newsletter mailing list for extended periods beyond the lapse of their membership. We regret to announce that, because of the cost, this policy will end with the receipt of this Newsletter.

*(Continued on page 11)*

### Listing of Donations

The Newton Conservators wishes to publicly thank our generous supporters. Beginning in our January/February/March newsletter, we will include a list of individuals who have made a contribution to the Conservators in the past year. Only the names of contributors will be listed and the size of the contribution will not be included. Exceptions to this rule may include specific donations to a project or cases where a donation may warrant special attention. If any of our supporters does not want his or her name listed in our newsletter, he or she should inform us at the time of the donation.

Over the years we have benefited from the generous support of many individuals who share our vision for the city and may also want to honor an individual. We believe that publicly recognizing this support is a small way we can demonstrate our gratitude for this support.

### Mailing Lists and Privacy

The Newton Conservators are very careful to protect the privacy of its members. Mailing labels have been shared with other organizations that share our values. For example, in the past we have shared

our mailing labels with the Newton Historical Society, the Green Decade Coalition and the Appalatian Mountain Club. Please let us know by either e-mail (dolanpond@aol.com) or phone (617-244-6094) if you do not want your name and street address given to any other organization.

E-mail addresses provided to the Newton Conservators are used for the sole purpose of contacting our members and are not shared with third parties. When sending e-mails to our members, care is taken to send out blind copies so that individuals on the list will not have access the e-mail addresses of all of the individuals that may be on the list. Group e-mails are often sent to board members and advisors, where it is important that all parties understand who is getting an e-mail and to provide a quick way for all individuals to respond to a question. In some cases, these group names and the attached addresses may be visible and easily download. In this situation, care should be taken to limit who needs to be included and individuals receiving such information should be careful not to use these lists for any non-Newton Conservators business.

Peter Kastner

**If you haven't paid your membership dues for 2003, it's not too late. Please renew today!  
And consider an additional tax-deductible gift to support our work!**



*Celebrating 42 years  
of open space advocacy  
in Newton*

**Newton Conservators Membership Form**  
PO Box 590011, Newton Centre, MA 02459 • 617-969-8661 • www.newtonconservators.org

- YES, I'd like to start/renew my one-year membership with the Newton Conservators to help preserve open space in Newton. I'll receive informative newsletters and emails and be invited to participate in guided tours of local conservation areas, lectures, and other programs and activities.
- I'd like to make an additional tax-deductible contribution to support the work of the Newton Conservators: \$\_\_\_\_\_

<b>MEMBERSHIP OPTIONS</b>	
<input type="radio"/> Individual member	\$25
<input type="radio"/> Family member	\$35
<input type="radio"/> Sustaining member	\$50
<input type="radio"/> Donor	\$75
<input type="radio"/> Patron	\$100

NAME \_\_\_\_\_

STREET \_\_\_\_\_ VILLAGE \_\_\_\_\_ ZIP \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_ Make checks payable to **Newton Conservators, Inc.**



# *the Newton Conservators* **NEWSLETTER**

## **IN THE FALL ISSUE:**

- The Inside Story of Kessler Woods pages 1
- Addition to Dolan Pond page 1
- President's Message page 7
- Fall Lecture: Mass Audubon page 9
- Kick-off for Ordway Park Fund page 10
- Membership News page 10

**SAVE THE DATE! Fall Lecture: Nov. 17, Newton Free Library**

**TAKE A HIKE! Fall Walk Schedule Enclosed**



*Printed on recycled paper with minimum 20% post-consumer waste*

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