

Name of Applicant: Waltham City Council
Contact Name: Councillor George A. Darcy III
Councillor Edmund P. Tarallo
Mailing Address: 610 Main Street, Waltham, MA 02452
Daytime Phone: 781-266-8888

Address of Proposal (or Assessor's Parcel ID): Hardy Pond; see page 8

CPA Category: Open Space, Open Space Recreation

CPA Funding Request: \$1,253,500

Total Cost of Proposed Project: \$1,326,000

PROJECT DESCRIPTION: Hardy Pond Conservation Area (HPCA)

Goals: *What are the goals of the proposed project?*

The goals of this project are to acquire, protect and conserve the open space of Hardy Pond and its environs consistent with the City's efforts and established goals. In addition, the project will protect and enhance the crucial flood storage capacity of the Hardy Pond wetlands.

The project involves:

1. The City acquiring in fee and/or restriction certain open space and wetland parcels in order to establish the "Hardy Pond Conservation Area" (HPCA).
2. Developing passive recreational uses within the HPCA based on a plan created by the Conway School of Landscape Design in 2007 (attached).
3. Rezoning the parcels to Conservation/Recreation zoning district for further protection.

The outcome of this project will result in the following benefits:

- Permanent protection of Hardy Pond and associated wetlands from further development in wetland areas;
- Provision and protection of flood storage capacity for the Hardy Pond/Chester Brook/Charles River watersheds;
- Securing habitat and forage for wildlife;
- Provision of passive recreation and nature education opportunities for Waltham students, residents, and the general public.

Proposed Phases of Hardy Pond Conservation Area Project

The following provides a general description of the phases of this project. Phases may overlap in time and relate to other phases, but each addresses a separate component of the project.

Of special note, the applicants are sensitive to the concerns of property owners who may be unfamiliar with the process, benefits and restrictions involved in applying non-fee conservation instruments to their lands. For this reason, this project will enlist the services of a Land Protection Specialist who specializes in explaining the rights and options involved in such arrangements and who will address the concerns of owners with respect to this process.

Phase I - Acquire Parcels in Tax Arrears

The City of Waltham's Law Department will be authorized to take by eminent domain all identified parcels within the proposed HPCA boundaries that are in tax arrears. Landowners would be paid the appraised value minus the amount of taxes owed. In order to facilitate this taking, this application includes a provision for independent legal assistance to prepare legal documents such as, title searches, land appraisals, survey or plot plans and related due diligence. The properties in tax arrears include the following parcel IDs:

1. RO13 011 0004
2. RO13011 004A
3. RO13 017 0003
4. RO13 016 0011
5. RO13 017 0017

It is expected that the acquisition of these parcels would take approximately one year.

Phase II - Retain a Land Protection Specialist

This application includes a provision to retain a Land Protection Specialist to negotiate with the other applicable landowners to either acquire for purchase in fee at appraised value or to develop alternative options with consent of the landowner to place Conservation Restrictions on designated parcels. These parcels include the following parcel IDs:

1. RO13 018 0004
2. RO13 018 0005
3. RO13 018 0006
4. RO13 018 0007
5. RO13 018 0008
6. RO22 007 0001
7. RO13 010 0001
8. RO13 017 0004
9. RO13 015 0005
10. RO13 010 0014

11. RO13 011 0003
12. RO13 018 0009

It is expected that this process would take approximately six months.

Phase III - Implement Agreements on Negotiated Parcels

This phase would implement the recommendations and agreements as discovered from Phase II.

Phase IV - Apply Conservation Restriction to Entire Project

This phase would apply Conservation Restrictions (CRs) to the following parcels:

1. All city-owned parcels
2. Smith Point parcel (owned by the Waltham Land Trust (WLT))
3. Parcels taken by eminent domain
4. Parcels kept in private ownership with Conservation Restriction agreements

Phase V - Abandonment of All Paper Roads

This phase would extinguish all previous paper roads.

Phase V - Implementation of Conservation Area Improvements

Conservation improvements would be enacted during this phase. These include the following:

- Adopt recommendations of Conway School of Landscape Design Study; Passive Recreation Plan includes trails, boardwalks, bird blinds, signage, kiosks, and dock.
- Improve hydrology by addressing poorly designed dikes and utilities.
- Establish a Stewardship Fund for maintenance of HPCA.

Phase VII - Rezoning of All Parcels to Conservation/Recreation district

All parcels would be rezoned to Conservation/Recreation for added protection.

Community Need: *Why is this project needed? Does it address needs identified in the City plans?*

This project is needed for the following reasons:

- to permanently protect and enhance vital flood storage capacity for the Chester Brook River system (which notably feeds into the Beaver Brook river system)
- to protect and enhance Waltham's only Massachusetts "Great Pond", Hardy Pond, and the City's significant investment in its restoration. (Note: a Great Pond is defined in Massachusetts as any pond or lake that contained more than 10 acres in its natural state.)
- to help fill the documented need to expand passive recreational opportunities in Waltham.

The project addresses the specific goals set out for these lands and waterways in the Waltham Community Development Plan (adopted 2007), and in the City's Open Space & Recreation Plan (2000 updated 2006).

Ninety-five percent of the proposed conservation area is composed of wetlands which filter contaminants from stormwater and improve water quality. The establishment of a permanent, protected conservation area within these wetlands will help to alleviate flooding during rain events.

Community Support: *What is the nature and level of support for this project?*

Civic conservation organizations, such as the Hardy Pond Association (HPA) and the Waltham Land Trust (WLT) have both documented community support for this project over many years through

member participation in stewardship and community clean-ups, local planning charettes attended by hundreds of residents, and public presentations of the organizations' goals for this land and of the Conway School of Landscape Design recommendations.

Public input underscored support for use of this area for public passive recreation in Healthy Waltham's "A Report to the Community: A Picture of Health and Quality of Life in Waltham 2004-2005."

Timeline: *What is the schedule for project implementation? Include a timeline for all critical items for their completion.*

Acquisitions of land, restrictions and easements will be completed by 2014. Elements of the passive recreation improvements will begin as parcels are acquired or restricted and will extend through 2016.

The phases over this period include the following:

1. Acquire 5 private parcels as part of tax takings. Apply conservation restrictions
2. Acquire or protect 12 private parcels. Apply conservation restrictions
3. Apply conservation restrictions on 10 city-owned parcels
4. Rezone parcels to Conservation/Recreation zoning district

Credentials: *How will the experiences of the Applicant contribute to the success of this project?*

The City of Waltham has shown its commitment to Hardy Pond and its environs through the money already spent and proposed to be spent on Hardy Pond.

Other civic not-for-profit organizations, such as the WLT has worked successfully since its inception in 1999 to protect vital open space resources in the City of Waltham by

1. identifying and quantifying the value of our open space,
2. engaging citizens in its protection,
3. acquiring open space at Hardy Pond,
4. organizing workshops for city officials and residents on land use and conservation protection,
5. providing stewardship activities on the city's existing open space,
6. working cooperatively and successfully with the City to encourage municipal acquisition of some of the most significant open space resources.

Several WLT directors are among the most knowledgeable individuals regarding the resources at the proposed HPCA and have been working for its protection for over 15 years. The WLT initiated and funded the Conway School of Landscape Design study that lays out the passive recreation plan for the HPCA. As required for open space acquisitions using CPA funds, the WLT, a Massachusetts land trust and 501(c)3 corporation, is qualified to hold state-approved Conservation Restrictions.

Success Factors: *How will the success of this project be measured? Be specific.*

The success of this project will be measured by the establishment of the approximately 30-acre HPCA, its permanent protection by conservation restriction, and by the public's enjoyment of the recreational resources thereupon. In addition, the flood storage capacity of Hardy Pond and Chester Brook

watersheds will be enhanced and protected.

Budget: What is the total budget for this project? How will the CPA funds portion be spent? All items of expenditure must be clearly identified and justified. Detail the hard and soft costs. Identify contingencies.

Item	CPA Funds	Other Funds
Pre-Development		
Conway School study (WLT funded)	0	6,000
Acquisition of Smith Point (WLT funded)	0	11,500
Phase I and III		
Surveys, Title, Appraisal, Legal	115,000	5,000
Baseline Documentation	5,000	5,000
Acquisition of listed parcels	900,000	25,000
Phase II		
Land Protection Specialist	70,000	0
Phase VII		
Stewardship and Maintenance	0	20,000
Contingency (15%)	163,500	
TOTAL FUNDS	\$1,253,500	\$72,500

Other Funding: What additional funding sources are available, committed, or under consideration?

- 2010 - Astra-Zeneca awarded \$25,000 to assist in establishing HPCA.
- WLT received the following grants for work on the HPCA:

2003 - Roy Foundation	\$1,000
2004 - Living Springs Foundation	\$2,000
2006 - Fields Pond Foundation	\$3,000
2004 - William P. Wharton Trust	\$3,000

Maintenance: If ongoing maintenance is required for your project, how will it be funded?

Civic, not-for-profit organizations, such as the HPA and the WLT are committed to funding and implementing long-term stewardship of the HPCA. All stewardship activities to date have been

performed by these organizations. For parcels acquired by the City of Waltham, it is anticipated that maintenance activities will fall within the City's commitment to maintain its resources in and around Hardy Pond.

ADDITIONAL INFORMATION: *Provide the following additional information, as applicable.*

Documentation: *Provide written documentation that you have control over the site, such as Purchase and Sale Agreement, option, or deed.*

- Deed for Smith Point (site control for other parcels will be achieved using CPA funds)
- Map of Project Area (page 8)
- Hardy Pond Conservation Area Properties Table (page 7)
- Conway School of Landscape Design study (2007)

Zoning: *Provide evidence that the project is in compliance with the current City Zoning Ordinance as Amended, as well as all other laws and regulations. If zoning relief is required, note the parts of the proposal not in compliance with the Zoning Ordinance and when an application will be made to the Zoning Board of Appeals.*

[Note: include latest zoning map]

The parcels to be acquired or restricted in this project all lie within a Residential A4 (RA4) or Residential C (RC) zoning district (see attached zoning map). Conservation and recreation uses and structures proposed in this project are permissible in these residential zoning districts. Notwithstanding, the City would seek zone changes to Conservation/Recreation (CR) district to further add another layer of protection to these parcels.

City Approvals: *Provide evidence that the appropriate City Boards and Commissions approve of the project.*

The establishment of a Conservation Restriction on the aggregated parcels, a requirement of the CPA, as well as rezonings to Conservation/Recreation will need the approval of the Waltham City Council. Such approval is implicit in the Council's approval of any CPA project proposed by the CPC. The building of recreational trails and boardwalks, as well as installation of signage are secondary phases of this project, all which would need the approval of the Waltham Conservation Commission.

Hazardous Materials: *Provide evidence that the proposed site is free of hazardous materials or that there is a plan for remediation in place.*

No activities proposed herein would create exposure of in ground hazardous materials. All of the parcels are in wetlands or long-term residential areas with no history of industrial or commercial use. If necessary, the costs of providing evidence that the parcels are free of hazardous materials would be funded within the budget of the project under "Survey, Title, Appraisal, Legal."

Leveraged Additional Benefits: *Provide information indicating how this project can be used*

to achieve additional community benefits.

Benefits to the city include expanded recreational opportunities without cost to the city's Recreation Department, creation of a protected buffer zone around abutting city-owned property and Hardy Pond, and expanded educational opportunities for the Waltham School Department and other groups. Conservation of wetland parcels within the HPCA will mitigate flooding problems and improve water quality by decreasing run-off and erosion during high water events. Walking trails established across wetland parcels may allow more students to be able to walk to school, increasing fitness, exercise, and reducing transportation costs.

City of Waltham - Community Preservation Committee
Waltham Community Preservation Funding Application, Form CPA-1

Hardy Pond Conservation Area Properties

Map #	Owner	Number	Street	Map	Phase	Action	2011 Assessm't	Size (sqft)
1	Diduca	aft 147 Hardy Pond Rd		R013 011 0004	I	Tax Taking & CR	32,500	6,975
2	Diduca	aft 147 Hardy Pond Rd		R013 011 0004A	I	Tax Taking & CR	33,300	7,838
3	Ridgeway RT	bef 180 Hardy Pond Rd		R013 017 0003	I	Tax Taking & CR	143,400	165,656
4	Watch City RT	af 125 Mokema Ave		R013 016 0011	I	Tax Taking & CR	280,000	89,735
5	Hilltop Homes	bbf 233 Seminole Ave		R013 017 0017	I	Tax Taking & CR	36,300	11,300
6	Fett	opp 174 Lakeview Ave		R013 018 0004	II	Covenants & CR	12,600	1,760
7	Lenh	pas 140 Lakeview Ave		R013 018 0005	II	Covenants & CR	4,900	690
8	Lenh	opp 170 Lakeview Ave		R013 018 0006	II	Covenants & CR	14,300	2,400
9	Giardina	opp 162 Lakeview Ave		R013 018 0007	II	Covenants & CR	10,300	1,440
10	Giardina	opp 152 Lakeview Ave		R013 018 0008	II	Covenants & CR	3,600	500
11	City of Waltham	aft 141 Lakeview Ave		R013 018 0009	II	Covenants & CR	24,600	430
12	Giardina	af 141 Lakeview Ave		R022 007 0001	II	Covenants & CR	8,000	1,120
13	Richards	1 Brook Rd		R013 010 0001	II	Covenants & CR	63,600	57,350
14	Maillet	af 160 Hardy Pond Rd		R013 017 0004	II	Covenants & CR	48,000	37,560
15	Briar Glen Village LLC	part of Kings Way		R013 015 0005	II	Covenants & CR	***	500,000
16	Ernisse	157 Hardy Pond Rd		R013 011 0003	II	Covenants & CR	***	56,220
17	Craig	47 Plant Rd		R013 010 0014	II	Covenants & CR	***	15,897
18	City of Waltham	aft 121 Hibiscus Ave		R013 021 0002	IV	CR	69,100	9,281
19	City of Waltham	nx 382 Hibiscus Ave		R013 021 0003	IV	CR	76,500	4,757
20	City of Waltham	bef 204 Mokema Ave		R013 015 0017	IV	CR	121,800	16,141
21	City of Waltham	aft 138 Mokema Ave		R013 015 18-29	IV	CR	665,200	41,600
22	City of Waltham	aft 48 Plant Rd		R013 009 0001	IV	CR	77,400	5,190
23	City of Waltham	aft 48 Plant Rd		R013 009 0002	IV	CR	73,800	3,540
24	City of Waltham	af 177 Seminole Ave		R013 017 0016	IV	CR	821,900	271,969
25	City of Waltham	3 Brook Rd		R013 011 0002	IV	CR	132,500	24,750
26	City of Waltham	256 Hardy Pond Rd		R013 015 0002	IV	CR	172,700	22,200
25	Waltham Land Trust	opp 191 Hibiscus Ave		R013 017 0015	IV	CR	32,300	6,690

*** - not seeking fee acquisition – only a conservation interest in the open space portion of this residential parcel

