

MINUTES OF MEETING
COMMUNITY PRESERVATION COMMITTEE
January 23, 2017
Location: Weston Town Hall

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, January 23, 2017 at 7:00 p.m. in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Barry Tubman; Laurie Bent; Nathalie Thompson; Ken Newberg; Chris Houston; and Nina Danforth. CPC members Sue Zacharias and Steve Wagner were absent. Historical Commission Co-Chair Phyllis Halpern and member Marisa Morra were present. Elderly Housing Committee Chair Jack Heine and member Tom Timko were present. CPC Administrator Tracey Lembo was also present.

Steve Ober indicated that the meeting was being videotaped.

Public Comment

None.

Project Discussion

• **Weston Cemetery Conservation Preservation Initiative**

Marisa Morra presented Phase II of the Cemetery Conservation Project, a \$205,000 Historical Commission (“HC”) request for conservation of gravestones in Central Cemetery, which she explained was being undertaken in conjunction with the Town’s Parks and Cemeteries Department. Ms. Morra indicated that after fits and starts Phase I of the project (with \$125,000 in CPA funding appropriated in 2013) was finally underway. Ms. Morra stated that a qualified true conservator had been hired and that work on Farmers’ Burial Ground had started in the fall and would finish in the spring.

Noting that work on stonewalls and gates would be included in a later phase of the project, Ms. Morra displayed a series of photographs showing work in progress and completed in the Farmers’ Burial Ground during Phase I. Ms. Morra noted that several trees, including one very large pine causing significant headstone issues, had had to be removed. Phyllis Halpern noted that a huge branch had fallen and narrowly missed hitting a number of stones. Ms. Morra indicated that after receiving a number of unqualified bids, a conservation professional had been hired to write bidding specifications and that Monuments Conservation (Collaborative LLC) headed by Martin Johnson had been chosen to complete the work. Ms. Morra described various issues including toppled, broken, and moldy stones and noted that treatment with a natural de-molder enabled the stones to be read without scrubbing.

Ms. Morra explained that the current request was for conservation of the gravestones in Central Cemetery and included the preparation of bid documents. Ms. Morra expressed the hope that Monuments Conservation would continue work on Phase II. Displaying a series of photographs of deteriorated gravestones, Ms. Morra indicated that each stone had to be

individually assessed and restored. Ms. Morra noted the concentration of war veterans' stones from the Revolutionary War through World War II. Finally, Ms. Morra displayed a photograph of a large burial tomb toward the south end of the cemetery and explained that the tomb would be braced with existing funding to prevent further deterioration but restored with funds requested in the future.

Ms. Morra explained that the \$205,000 request was based on the \$600 - \$800 per gravestone cost incurred at Farmers' Burial Ground with the addition of funding to prepare the bid document. Ms. Morra noted that the HC had originally envisioned a five phase project in accordance with the assessment done in 2013, but that a three phase project was now contemplated. Mr. Ober asked if anything originally contemplated in Phase I was now more expensive or deferred. Ms. Morra indicated that work on stone walls and gates, originally contemplated as part of Phase I, had been pushed back to Phase III because of the difficulty of including it in the same request for proposals as the gravestone conservation work. Ms. Morra further indicated that costs had increased due to the passage of time and the further deterioration of gravestones over time.

In response to Nina Danforth's questions about budget and project management, Ms. Morra indicated that Parks and Cemeteries Supervisor Bill O'Neil had developed the Phase II budget in conjunction with a conservation consultant and that he had done a terrific job in overseeing Phase I. Ms. Danforth suggested that the stone wall restoration contemplated as part of Phase III was deferred maintenance and not an eligible use of CPA funding. Ms. Morra suggested that work on gates and stone walls had been considered "extraordinary repairs" in 2013 and therefore CPA eligible and that if the CPC no longer believed this work was allowable under CPA, the HC would try to get it included in the Department of Public Works' budget. Responding to Ms. Danforth's question, Ms. Morra stated that the large pine tree in Farmers' Burial Ground discussed earlier had not been removed with CPA funds. Noting that a row of hemlocks in Farmers' Burial Ground was infested with wooly adelgid, Ms. Danforth suggested that some of the cemetery's historical context would be lost as the trees died.

Mr. Ober read from the January 31, 2013 Weston Cemetery Project Cost Estimate which contemplated five phases and a total cost of \$456,000. Ms. Morra reiterated that costs had increased due to further deterioration and the passage of time. Laurie Bent asked about plans to protect the work being done. Ms. Morra expressed confidence that Mr. O'Neil could maintain the gravestones once they were restored. Chris Houston noted that Mr. O'Neil would have to include maintenance funds in his annual budget request. Ms. Halpern suggested that early treatment of stone fissures would prevent some deterioration. Mr. Houston asked if Mr. O'Neil had the knowledge to conduct preventative maintenance; Ms. Morra indicated her belief that he did. Ms. Danforth suggested consultation with the Town's Tree Warden and Mount Auburn Cemetery. Ms. Morra stated that Mr. O'Neil would attend the CPC's Public Hearing.

- **Brook School Campus Building E Feasibility Study**

Before turning the presentation over to Elderly Housing Committee ("EHC") member Tom Timko, Chair Jack Heine explained that the EHC wanted to provide more housing at Brook

School Apartments (“BSA”) and discuss with the CPC advancing that goal. Mr. Timko stated that the Town’s over 65 population was growing very rapidly, that there were 137 age restricted units at present, that 220 units were needed by 2030, and that 6 units/ year for 15 years would need to be added. Mr. Timko reminded the Committee that the EHC had previously explored the feasibility of adding additional units in the Old Library, which was no longer a possibility, and the feasibility of adding units under a restored pitched roof at BSA Building C. Mr. Timko explained that because of code requirements triggered by proposed work in Building C (e.g., elevator, sprinkler, and earthquake), preliminary estimates of \$3 million for 6 units suggested the project was cost prohibitive.

Noting conservation and historic constraints, Mr. Timko explained that the current septic system at BSA had the capacity to add 14 on site units and suggested that there were 2 options for siting: 1) an extension of Building C adjacent to the septic field on School St. or 2) the existing soccer field area. In response to Mr. Ober’s question, Mr. Timko stated that siting the building on the soccer field, despite limited use, would generate negative feedback because many people were attached to it.

Mr. Houston asked if the proposal included Building C. Mr. Timko indicated that the Building C feasibility study was complete but that the proposal was not moving forward due to high costs and a dramatic impact on existing residents. Ms. Thompson reminded the Committee that the study had been CPA funded. Mr. Houston noted that BSA septic constraints could be alleviated by a central sewage treatment system currently being discussed for Case Estates. Mr. Houston and Mr. Timko noted that the Case Campus buildings were unable to expand because of septic constraints. Mr. Houston wondered whether the proposed study would prove obsolete should a sewage treatment plant become a reality in a year or two. Mr. Timko suggested that the current request for feasibility funding, as opposed to design, addressed site constraints and traffic constraints which could be scaled up should septic constraints be removed. Mr. Timko also noted the possibility of adding 30-40 units on the existing septic field while maintaining the existing soccer field should a sewage treatment plant be constructed.

In response to Mr. Ober’s question about the cost of a sewage treatment plant, Mr. Timko suggested that it would be somewhere in the \$2 - \$3 million range. Mr. Timko noted that the large 40B project proposed for Route 20 included an on-site treatment plant; Ms. Morra noted that Highland Meadows had an on-site plant. Mr. Timko reiterated that money spent on the proposed study would not be wasted should a central sewage treatment plant be built.

Mr. Timko reviewed critical issues for the project including siting, septic, traffic, and engagement with abutters and existing BSA residents. Mr. Ober recalled a backlash against proposed projects put forth by the Housing Production Plan Steering Committee, including a proposal to expand BSA. Mr. Timko explained that at that time proposals had been circulating about the addition of 40-60 units in 8-10 story towers which had not been put forth by the EHC and which would never have been approved by the Conservation Commission. Mr. Timko further explained that though meetings with abutters had eased tensions, the neighborhood was still concerned with BSA expansion plans and particularly

with preserving the soccer field. Mr. Timko indicated that the EHC was considering 2-3 1/2 story buildings in keeping with the existing BSA buildings.

Mr. Timko displayed a slide showing proposal specifics, including review of previous studies, recommendation of number of units and siting, etc., and indicated that the most important part of the proposal was the scope of work which would be communicated to the engineering firm conducting the study. At Mr. Heine's urging, Mr. Timko explained that the \$30,000 budget had been derived in consultation with the partner at CBI Consulting in charge of the ongoing building envelope project at BSA and in consultation with Permanent Building Committee Chair Jim Polando.

In response to Mr. Ober's question about demand for elderly housing units, Mr. Timko stated that there was a 2 year waiting list for market rate units at BSA today. Mr. Heine indicated that a proforma had not been completed for Building E, in part because the number of units was unknown, but that whether or not subsidized units were included would be a discussion between the EHC and the CPC. Mr. Heine suggested that it would be possible for all units to be affordable with a CPA Fund contribution of approximately 33% to 50%.

Mr. Timko stated that there were three classes of units at BSA today: 1) Section 8, 2) other affordable, and 3) market rate. Mr. Timko indicated that though he was not sure how deep the waiting list at BSA was, vacancies never lasted more than a month and the EHC never had trouble filling units. Mr. Heine indicated that approximately 1/3 of BSA's units were market rate, and Mr. Timko suggested the possibility of constructing multi-bedroom units which would be more desirable and command higher rents. Mr. Ober asked whether the Affordable Housing Trust ("Trust") was plugged into the EHC request. Mr. Timko noted that he and Ken Newberg were members of the Trust, and Mr. Newberg indicated that the Trust was aware of the proposal. In response to Tracey Lembo's question, Mr. Heine noted that the EHC's proposal would be formally considered at the Trust's next meeting.

The Committee discussed the confusing nomenclature of affordable housing. Mr. Heine assured the CPC that all units would be classified as affordable. Mr. Timko suggested that *subsidized* units, where an additional payment was added to a tenant contribution to bring the rent up to a target number, differed from *affordable* units, for which tenants qualified based on a maximum income for a particular town, which he estimated to be \$80,000 to \$90,000 for Weston. Mr. Timko suggested that the qualifying income standard was different in Brighton than in Weston.

Mr. Houston raised the issue of existing units in BSA which were not counted on the State's Chapter 40B Subsidized Housing Inventory ("SHI") and the possibility of having the proposed units contribute to achieving safe harbor under 40B. Ms. Bent expressed her understanding that all rental units counted on the SHI; Mr. Timko clarified that all rental units counted if certain affordability targets were met and noted that some units in the existing BSA buildings could theoretically be counted on the SHI but were not. Ms. Lembo suggested that the problem was the inability to identify an organization willing to hold a deed restriction on the property since the Town could not hold both the fee interest

and a restriction on the same property. Mr. Heine suggested that the EHC would support having all existing BSA units counted on the SHI.

Nathalie Thompson asked why CPA funds should fund the entire feasibility study if all proposed units were not affordable. Mr. Heine again explained that all proposed units were affordable (according to the CPA definition) but not necessarily subsidized. Mr. Heine further explained that in subsidized units, tenants paid a certain percentage of their monthly income as rent. Mr. Timko noted that there were 40-50 applicants for every subsidized unit at BSA. Mr. Heine suggested that the proposed feasibility study would help the EHC understand the number and cost of units which, after determining the level of CPA Fund support, would determine the project's rent structure. Mr. Houston made the distinction between the income level needed to meet CPA affordability standards and the lower income level needed to meet safe harbor standards. Mr. Ober asked what the CPC's standard should be. Barry Tubman suggested funding projects meeting the safe harbor standard.

Mr. Ober asked about the possibility of structured parking which Mr. Timko, while noting a possible water table issue, indicated the EHC would explore. Mr. Ober referred to a handout enumerating CPA funded projects with account balances and noted 2 existing EHC appropriations: 1) \$13,310 remaining in the appropriation for the Building C feasibility study and 2) \$226,552 remaining in the Brook School Building Envelope Project appropriation. Mr. Ober noted that Mr. Heine would ask the EHC to return the former balance to the CPA Fund and asked for details about the latter project balance. Mr. Heine stated that the EHC had largely completed the Building Envelope Project but would like to use remaining funding for additional work and that either Sara Dosamantes or Donna VanderClock would come to a CPC meeting to discuss. Mr. Timko suggested that scope had been cut from the original project (due to budget concerns) that the EHC would like to reinstate. Ms. Danforth questioned the original budget for the Building C feasibility study. Mr. Timko explained that the Building Code had changed just prior to that analysis and that, because of new earthquake reinforcement and sprinkler requirements, the EHC was able to determine the significant costs of the project quickly. Mr. Timko noted that if the project had been designed and permitted a year earlier, it could have been built at a fraction of the estimated cost. Ms. Halpern indicated that any Building C expansion would require HC approval; Mr. Timko stated that the HC had been supportive at the time of the feasibility funding request.

• **500 Wellesley St. – \$3,950 in FY17 Administrative Funds for Phase I Environmental Assessment**

Ms. Bent presented a request from the Conservation Commission (“ConCom”) for \$3,950 to conduct a Phase I environmental assessment of Nick Danforth’s property at 500 Wellesley St. Ms. Bent referred to the property appraisal which had been circulated and described the current request as a small step toward the larger goal of acquiring the property. In response to Ms. Thompson’s question about the scope of the Phase I assessment, Ms. Bent explained that history, records, and prior uses would be studied.

Mr. Newberg asked if there might be room for collaboration with housing groups; Ms. Bent

indicated that ConCom was looking to preserve the entire 12.92 acre property, excluding the existing house and lot, as open space. Mr. Tubman noted that the appraisal included the house and its lot. Ms. Lembo expressed her understanding that the spreadsheet which had also been circulated was intended to tie the value of the entire property to the \$3.5 million value of the parcel proposed to be purchased and that the appraisal had been done in conformance with (Executive Office of Energy and Environmental Affairs) regulations governing the use of MWRA funding. Ms. Bent noted that \$850,000 in MWRA money was earmarked for this purchase. Mr. Newberg asked how much in deferred taxes the Town would forgo by the proposed purchase; Ms. Bent agreed to find out.

The Committee discussed the appraisal with members questioning: 1) the reasoning behind valuing the entire 15.54 acre property including the homestead when ConCom was proposing to purchase only 12.92 acres, 2) the reasoning behind valuing a conservation restriction when the proposal was to purchase the fee interest, and 3) the value conclusions. The CPC determined that though understanding the appraisal was not critical at this juncture, it would be necessary when the request for funds to purchase the property was presented.

Ms. Morra suggested seeking CPC administrative funding to value a preservation restriction on the existing house and lot which was currently excluded from ConCom's proposed purchase. In response to Mr. Ober's question, Ms. Bent indicated that the existing appraisal did not value a preservation restriction on the existing house and lot. In response to Mr. Houston's question, Ms. Bent stated that ConCom had long considered the property a very high priority due to its location and connectivity with other conservation land.

VOTE: Mr. Ober entertained a motion to approve the Conservation Commission's request for \$3,950 in CPC administrative funds to conduct a Phase I environmental assessment of 500 Wellesley St. Mr. Houston made the motion, which was seconded by Mr. Tubman. The motion passed unanimously with Ms. Danforth abstaining.

Committee Business

- **CPA Fund Priorities and Bonding**

Mr. Ober stated that updated CPA Fund projections in addition to three project proposals, the Josiah Smith Tavern, housing support funds, and Affordable Homeownership Opportunity Funding, would be presented at the February 6th meeting. Mr. Ober expressed surprise that the CPC had not received an application for Case Campus funding; Mr. Houston indicated that the Board of Selectmen would hear a general fund Case Campus proposal at an upcoming meeting.

Mr. Ober stated that Mr. Tubman was instrumental in pulling together the one page CPA Fund and bonding priorities handout based on the discussion at the CPC's November 7th meeting. Mr. Houston thought applicants in particular and townspeople in general might be interested in this and suggested fleshing out the bullet points. Mr. Houston highlighted the first bullet point: "Significant impact on the town (e.g., measured by the number of

citizens expected to benefit from the project)” and asked how Committee members felt about Young Rd., a project which few people would see but which has intrinsic value. Mr. Houston also pointed to the second bullet point: “High likelihood of successful project completion/low level of difficulty” and wondered whether the intent was to prioritize easy projects or projects expected to pass at Town meeting. Mr. Ober asked for reactions and also asked what the Committee’s goal should be with respect to the priorities, i.e., should they be voted on, memorialized, and/or published. Ms. Danforth cautioned that some projects which at first had appeared to be uncomplicated had turned out to be difficult (e.g., cemeteries, Lamson Park, and Merriam St. sidewalk).

The Committee affirmed that the list of priorities was not ordered. Ms. Thompson suggested that a project’s popularity is not what drives the CPC’s approval. Mr. Houston thought that prose might be helpful to explain that there were different reasons why a project might be approved, e.g., a project could be deemed to have significant impact by directly impacting a number of citizens *or* by having a high intrinsic value. Mr. Tubman noted that every bullet point would not apply equally to every project but stressed the importance of clear statements to provide guidance in an era of capital constraints. Mr. Houston agreed with prioritizing projects not typically or more appropriately covered by municipal funds along with projects for which there was limited availability of other funding sources.

Mr. Ober again asked the Committee what the goal of the discussion should be. Mr. Houston thought helping townspeople understand what goes into the CPC’s decision making process was important and suggested including priorities in the CPC’s application and on the Town’s website. Ms. Danforth suggested that Mr. Ober provide a Q&A type interview with the Town Crier.

There was general agreement on bonding criteria, but Mr. Houston again suggested that prose would help explain the CPC’s thinking. Mr. Ober suggested an additional meeting after the March Public Hearing to prepare priorities and bonding criteria for use during the fall application cycle; Mr. Houston agreed to prepare a fleshed out version of the handout.

- **CPC Administrative Expense and Existing Project Status**

After noting that most figures were historical, Mr. Ober directed the Committee’s attention to the second page of the CPC administrative expense handout which indicated that after budgeted items there would be approximately \$57,000 remaining in the CPC’s FY17 administrative account. Mr. Ober suggested that members become familiar with the types of projects funded with CPC administrative expenses. Ms. Lembo agreed to remove line items for possible funding for an 819 Boston Post Rd. appraisal, which was no longer necessary, and projected funding for a Parcel 9 appraisal since ConCom would not seek CPA funds for the parcel’s purchase due to supplanting issues. In response to Mr. Newberg’s question about legal fees, Ms. Lembo explained that Town Counsel did review warrant articles, that Donna VanderClock submitted a bill at the end of each fiscal year for CPA related legal work, and that \$10,000 was a budget figure. Mr. Ober noted recent legal opinions relating to the use of CPA funding for sidewalks; Ms. Bent noted legal work relating to Case Estates. The Committee surmised that large legal fees in FY13 most likely

related to the proposed surcharge reduction and Urbanica's proposal for the Josiah Smith Tavern.

Mr. Ober referred to the Existing CPA Fund Project Status spreadsheet and indicated that the CPC was trying to maintain some discipline around understanding the status of projects with CPA Fund appropriations. Mr. Ober highlighted the Case Estates purchase as the project with the largest account balance, \$924,000, and reminded the Committee of the lengthy presentation Michael Harrity had made to the CPC in the fall regarding the projected use of these funds. The Committee discussed other projects with account balances including Warren Ave. Walkways, the 2 EHC projects, the Viles St. Project, 699 Boston Post Rd., and the Town Archives Project.

Mr. Ober suggested that the CPA Fund would be harder to manage in an era of limited resources and that it made sense to return and redeploy appropriations which were not going to be used. The Committee discussed adopting a policy of having CPA appropriations revert back to the CPA Fund after a certain time limit. Ms. Lembo and Mr. Tubman thought such a policy would need to be memorialized up front in grant agreements. Mr. Newberg suggested inviting project sponsors to CPC meetings to provide status updates at the beginning of every town meeting cycle. Mr. Tubman suggested setting criteria for reaching out to sponsors for status updates. The Committee agreed that Ms. Lembo would contact sponsors of projects for which there had been no draws during the past year to ask them to return remaining funds or to provide the CPC with a written explanation of why the funds were still needed. In response to Mr. Ober's question about capital appropriations on the General Fund side, Mr. Houston agreed to find out who did the housekeeping for those projects.

- **Approve Minutes of the CPC Meeting on November 7, 2016**

VOTE: Mr. Ober entertained a motion to approve the minutes of the CPC meeting on November 7, 2016. Ms. Bent made the motion, which was seconded by Ms. Danforth. The motion passed unanimously.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Tracey A. Lembo
CPC Administrator

Appendix A

CPC Meeting January 23, 2017 Document List

- 1) Weston Cemetery Conservation Preservation Initiative
 - a. Application
 - b. PowerPoint
 - c. Weston Cemetery Project Cost Estimate dated January 31, 2013
- 2) Brook School Campus Building E Feasibility Study:
 - a. Application
 - b. PowerPoint
- 3) 500 Wellesley St. Land Protection Project:
 - a. Application
 - b. Avery Associates appraisal dated September 27, 2016
 - c. Subdivision sellout analysis dated September 27, 2016
- 4) Proposed FY18 Capital Budget;
- 5) CPA Fund priorities and strategic bonding document
- 6) 1-17-17 FY17 CPC administrative expenses spreadsheet;
- 7) January-17-2017 Existing CPA Fund Project Status spreadsheet; and
- 8) Draft minutes of the CPC meeting on November 7th