

**MINUTES OF MEETING
COMMUNITY PRESERVATION COMMITTEE
February 6, 2017
Location: Weston Town Hall**

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, February 6, 2017 at 7:00 p.m. in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Steve Wagner; Barry Tubman; Laurie Bent; Nathalie Thompson; Sue Zacharias; Ken Newberg; Chris Houston; and Nina Danforth. Rail Trail Advisory Committee (“RTAC”) Chair Jack Sands and member Paul Penfield were present. Board of Selectmen Member Michael Harrity was present. Friends of the Josiah Smith Tavern, Inc. President Con Chapman and Treasurer Adrienne Giske (also a Historical Commission associate member) were present. Josiah Smith Tavern & Old Library Working Group (“Working Group”) Co-Chairs Tom Palmer and Jay Valenta were present. Historical Commission member Marisa Morra was present. Weston Affordable Housing Trust (“WAHT” or the “Trust”) Chair Sarah Rhatigan, Conservation Commission (“ConCom”) member Joe Berman, and Finance Committee member Keith Johnson were present. Regional Housing Services Office (“RHSO”) staff member Liz Valenta, Weston Media Center Regional Communications Director Jim Tremble, and CPC Administrator Tracey Lembo were also present.

Steve Ober indicated that the meeting was being videotaped.

Public Comment

None.

Project Discussion

• **Rail Trail Advisory Committee – Request for FY17 Administrative Funds**

RTAC Chair Jack Sands explained that in 2011 the MA Department of Conservation and Recreation (“DCR”) leased from the MBTA (104) miles of a former railroad corridor, including 23 miles from Berlin to Waltham (i.e., the Mass Central Rail Trail - Wayside), for the purpose of developing a rail trail. Mr. Sands noted that power lines flanking the rail bed from Sudbury to Waltham had been built in the 1950’s and that Eversource had filed conservation permits to construct a 12 ft. wide gravel utility road to facilitate the servicing of these power lines.

Mr. Sands indicated that the RTAC had been formed in July with the primary goal of developing a rail trail that would appeal to a wide variety of constituents and that the RTAC had been following Eversource’s work and trying to devise a plan to enhance the gravel road to make it a true community rail trail. Mr. Sands noted that the rail bed was a public way which was currently used by pedestrians and bikers.

Mr. Sands explained that the RTAC had identified 3 major costs: 1) the surface which would overlay the gravel road Eversource planned to construct, 2) a dirt filled underpass beneath the wooden bridge at Conant Rd., and 3) a trestle bridge that connects with Waltham over the commuter rail at the end of the line. Mr. Sands noted that the rail trail extended on both sides of the Conant Rd. Bridge, that pedestrians currently climbed over the embankment to cross Conant Rd., and the RTAC had voted unanimously to restore the underpass because of the danger involved.

Mr. Sands described the Recreation Director’s support for the trail and earlier plans to submit a CPC request by the January 17th deadline which had been scuttled due to initial cost estimates totaling \$100 thousand for consulting work and over \$4 million to complete the rail trail. Mr. Sands then explained that DCR had announced last week that it planned to pave the rail trail out of its maintenance budget. Mr. Sands reminded the Committee that this was the largest cost

associated with the trail but that there were 2 other major components: 1) the Conant Rd. underpass and 2) the trestle bridge into Waltham.

Mr. Sands then explained that the RTAC had 2 distinct consulting needs each costing no more than \$10,000: 1) determining the feasibility and costs associated with constructing an underpass at Conant Rd. and 2) help with open Town meetings to explain to townspeople the rights of Eversource and the Town and to solicit input into the design of the trail including signage, landscaping, parking, and security. Mr. Sands further explained that in December Nitsch Engineering had provided a proposal for underpass feasibility/preliminary cost estimates and that at its meeting on Wednesday the RTAC was expected to choose among 3 firms to provide outreach/design services. Recalling the defeat at Town Meeting of a rail trail proposal 20 years prior, Mr. Sands emphasized the importance of community input. Mr. Sands noted that the RTAC's initial plan was to ask the Board of Selectmen ("BOS") for funding for Conant Rd. underpass consulting services and the CPC for funding for community outreach/design. Mr. Sands then noted that since the BOS was not meeting again until February 15th, it made sense to reverse the requests so that Nitsch could provide cost information by March 1st, in time to seek the Recreation Commission's support at their next meeting on March 4th and to request construction funding (preliminarily estimated at \$250,000 to \$350,000) to be considered at May Town Meeting.

In stressing the importance of a May Town Meeting construction fund request, Mr. Sands emphasized potential cost savings by aligning the Town's work with that of Eversource and DCR during the spring and early summer, the desirability of shutting down Conant Rd. in August vs. a busier time of year, and the expectation of increased Town liability at Conant Rd. due to increased usage once the trail is paved.

Michael Harrity concurred with Mr. Sands' assessment of the urgency of the request noting that once DCR paved the trail, there would be a rail trail in Weston regardless of whether Weston acted. Mr. Harrity also agreed that it made sense for the CPC to consider funding the Nitsch work and for the BOS to consider funding the programmatic and preliminary design elements. Mr. Harrity noted that (in the short term) the paved trail would cover 6 miles but would not extend into Sudbury or Waltham. Mr. Sands suggested that funding for work on the trestle bridge might be sought in 2019 and that funding would also be needed for traffic signs and landscaping. Mr. Sands noted that the Town was likely to consider funding for several major projects at November Town Meeting including the Town Center Project, the Josiah Smith Tavern, and the Old Library. Mr. Sands expressed hope that the CPC would consider both the administrative fund request before them and the extension of its January 17th deadline to consider applications for May Town Meeting.

Laurie Bent asked about potential construction cost savings in conjunction with the Eversource and DCR work. Mr. Sands suggested there would be cost savings; Mr. Harrity thought there would be easier access but not substantial cost savings. In response to Steve Wagner's question about additional design fees, Mr. Harrity indicated that another \$35,000 in design funding to produce construction drawings would be included in the May Town Meeting request. Mr. Wagner suggested requesting design fees in May and construction funding in November. Mr. Harrity indicated that Nitsch would be asked to look at the timeline to see if splitting the request would slow down the project. Mr. Sands stressed that the proposal was for simple, prefabricated culverts. In response to Mr. Wagner's question about the distance from Conant Rd. to the Waltham line, Paul Penfield stated that it was approximately 1.5 miles. Mr. Harrity emphasized that it was not safe to have children on bikes crossing Conant Rd.

Mr. Ober asked if there was a plan to extend the trail into Sudbury and Waltham. Mr. Sands and Mr. Harrity indicated that there was. In response to Mr. Ober's question about whether the \$10,000

request not related to the Conant Rd. underpass would be spent solely on outreach, Mr. Harrity noted that it would also be spent on programming (e.g., parking, access) and early schematics. In response to Mr. Ober's question about maintenance trucks coexisting with rail trail uses, Mr. Penfield explained that maintenance was infrequent and that cones would be employed. Mr. Wagner asked if there was some sort of use agreement. Mr. Harrity stated that the MBTA owns the line, that DCR holds a 99 year lease on the line which commenced in 2011, and that Eversource has a perpetual easement to access its power lines. In response to Mr. Ober's question about total costs of the rail trail, Mr. Sands explained that he anticipated 3 major cost components over a 3 year time period: 1) the Conant Rd. underpass, which he described as critically important at this juncture, 2) the trestle bridge, and 3) signage, landscaping, and fencing, which require community input.

Nina Danforth asked if the Conant Rd. tunnel needed reinforcement; Mr. Sands explained that the tunnel had been filled in 20 years ago and that the current proposal was to replace the dirt with a concrete culvert which would make the bridge stronger and allow the rail trail to go through. Ms. Danforth asked if the tunnel would become a nuisance; Ms. Bent and Mr. Sands stated that there was an existing tunnel at Church St. Ms. Danforth asked about the safety of the overhead high tension wires; Mr. Sands stated that he had lived next to them for 40 years. Mr. Penfield noted that Milford's rail trail had a similar configuration of wires. Mr. Sands suggested that DCR hoped that a paved trail in Wayland and Weston would be a catalyst for other communities to join in.

Nathalie Thompson questioned the urgency of the request if it was unrelated to cost savings as Mr. Harrity had indicated and suggested using cones and caution tape (at Conant Rd.) if the request was delayed. Mr. Sands suggested that there would, in fact, be cost savings and clarified that the CPC was being asked to review only an administrative request before the Recreation Commission weighed in. Chris Houston stressed the importance of road closures and paving in the summer vs. the fall and suggested that townspeople would be upset with the use of cones and caution tape for any length of time. Noting that administrative fund requests could be approved at any time, Mr. Wagner asked about process. Mr. Ober suggested that the CPC could decide whether the RTAC's expected future capital request met the extenuating circumstances criteria spelled out in its application and whether to extend its application deadline.

Mr. Ober asked if the old train station tied into the rail trail project. Marisa Morra indicated that Historical Commission Co-Chair Phyllis Halpern sat on the RTAC. Mr. Sands suggested that though he would love the train station to be part of the project, it was not at this time. After noting that Ms. Halpern and Mr. Penfield had been instrumental in getting Eversource to agree to leave a section of the rails leading to the train station in place, Mr. Harrity discussed the problems with the building and the difficulty of negotiating with the MBTA. Mr. Harrity assured the Committee that there was no opportunity lost and there would be no incremental cost should the Town be able to acquire the property in the future.

In response to Sue Zacharias' question about community outreach and other Town Committees, Mr. Sands indicated that a representative from the Historical Commission, the Open Space and Recreation Committee, the ConCom, and Weston Forest and Trails sat on the RTAC and that the RTAC's first public hearing would be held on February 27th. Mr. Harrity reminded the CPC that Weston's input into the rail trail was on the margins only, not the fact of its existence.

Ms. Zacharias asked about DCR requirements. Mr. Sands suggested that the RTAC needed assistance in determining what was required and what could be done. Mr. Sands noted the Warren Ave. neighborhood's concern about parking, the RTAC's intent to address issues that had arisen in 1997, and the RTAC's intent to include community concerns in their report to the BOS.

In response to Ms. Bent's questions about the purpose of the administrative fund request and whether the CPC would consider a late capital fund request, Mr. Houston clarified that the results of the study were needed to present to the Recreation Commission to seek their support, and Mr. Sands suggested that the report would be needed whether the capital request was considered for May Town Meeting or at a later date. Mr. Wagner expressed support for funding a feasibility study rather than a community outreach study; Ken Newberg wondered whether CPA funds could be used for a community outreach study.

VOTE: Mr. Ober entertained a motion to consider the Rail Trail Advisory Committee's request for up to \$10,000 in FY17 CPC administrative funds for a conceptual design/feasibility study of the Conant Rd. underpass to be completed by Nitsch Engineering. Mr. Houston made the motion, which was seconded by Ms. Bent. The motion passed unanimously.

• **Josiah Smith Tavern Restoration**

Friends of the Josiah Smith Tavern ("Friends") President Con Chapman introduced a request for \$630,000 for architectural and engineering services for the Josiah Smith Tavern ("JST") restoration. Mr. Chapman stated that though the Friends had been designated as the preferred proponent in October, they had no rights in the land and no lease. Mr. Chapman indicated that design funds, which would be spent by the Permanent Building Committee ("PBC"), were needed to work with Historic New England ("HNE") in renegotiating its deed restriction. Mr. Chapman stressed the difficulty of obtaining commitments from other groups without having any rights in the property and noted that approximately 850 people supported the project through Weston Forest & Trails (approximately 450 members), Weston Historical Society (approximately 300 members), and the Friends (100+ members).

Adrienne Giske provided details of the request including architectural work; MEP; civil and structural engineering; septic design; fire protection; and a spec writer. Ms. Giske noted that the request represented 14% of estimated construction costs, instead of the typical 13%, because of the expected complexity of dealing with HNE and because of anticipated extraordinary geotechnical testing due to buried tanks and cesspools in violation of DEP.

Ms. Giske enumerated problems with the JST including: 1) ADA non-conformance, 2) parking, 3) floor loading, 4) delivery, 5) plumbing, septic, and fire protection which are not code compliant, and 6) waste discharge into wetlands. Ms. Giske noted that the restaurateur would pay for its own build out and professional services in the tenant space and that the Friends were retouching base with all pertinent Town boards. Mr. Wagner asked for a summary of the Building Inspector's opinion. Ms. Giske stated that the Building Inspector had opined on egress, parking, site plan (though the Planning Board would need to provide limited site plan review), occupancy loads, and layout. In response to Mr. Wagner's question of whether the construction estimate differed from the Friends' previous presentation, Ms. Giske noted some adjustments based on CPC comments and anticipated restaurateur work (currently estimated at \$1 million).

Ms. Giske emphasized the goal of reducing the number of parked cars abutting St. Julia's and noted that an illustrative parking plan, developed by a volunteer, would likely be ready for presentation at Town Meeting. Ms. Danforth asked if former plans (e.g., engineering) could be used. Ms. Giske stated that the Friends would recommend but, because of public bidding laws, couldn't require using the same civil engineer used in the past to save money. Mr. Chapman suggested that the Town could do a sole source procurement justified based on the savings of time, money, and effort but that the Friends could not make that decision for the Town. Ms. Giske noted that no

construction drawings existed for the JST, only design drawings, and that some design elements, such as a planned elevator, had moved.

Ms. Giske described some of the Friends' outreach efforts including meetings scheduled with the Historical Commission, the Planning Board, St. Julia Parish, the WCCA, the PTO, the Historical Society, the League of Women Voters, Weston Dads, and the Council on Aging. Ms. Giske also noted a planned open house at the JST on voting day. In response to Mr. Wagner's question about social media outreach, Mr. Chapman indicated that the Friends were working on their website, and Ms. Giske stated that Weston Media would produce a video. Ms. Giske and Mr. Chapman indicated that they were in contact with the Weston Art and Innovation Center ("WAIC") and that they were following WAIC's media strategy. Ms. Giske also indicated that lawn signs and a town wide mailer would be distributed 2 ½ weeks and 2 ½ - 3 weeks prior to Town Meeting, respectively.

Mr. Ober asked about the timing of the construction request. Referring to the timeline in her application, Ms. Giske suggested that if design funds were approved in May, a construction fund request would not be presented until the following spring because of multiple required meetings with the Historical Commission and HNE. Mr. Ober noted that though he had hoped to hear the results of the restaurant feasibility study this evening, it would not happen. Jay Valenta stated that the Boston Restaurant Group ("BRG") had completed a draft study but that it was not ready to be released. Mr. Valenta summarized BRG's conclusions as the restaurant was feasible from a physical and economic standpoint and that the Webbers were ideally suited to this concept in this location in this building. In response to Mr. Ober's question about next steps, Mr. Valenta indicated that BRG would present its report to the Working Group later in the week. Ms. Giske emphasized that the Webbers were well capitalized, that they had been in business for 15 years, that they owned several other restaurants, that they had a large catering business, and that they hosted many weddings. Ms. Giske pointed to the Webbers' patience in waiting for the public process to play out and their expected investment in furniture, fixtures, and equipment as indications of their confidence in the project.

In response to Keith Johnson's question about Tavernside Playground, Ms. Giske stated that it would become a tranquility garden and a buffer zone between parking and the church. Ms. Giske stated that project revenue would be sufficient to cover operating costs and reserves and that some money would come back to the Town. Ms. Giske indicated that the Friends would present to the Finance Committee in February. Mr. Chapman noted that the Webbers had conducted focus groups prior to the 2009 Town Meeting vote, and Ms. Giske noted that the Webbers would conduct additional focus groups in advance of May Town Meeting. Mr. Ober reminded Ms. Giske and Mr. Chapman that the CPC's Public Hearing would be held on March 27th at which the Committee would hope to see a Town Meeting ready slide presentation. Ms. Morra suggested providing more background information and visuals. Mr. Ober noted that the challenge would be to present all the relevant information in the time allotted at Town Meeting.

- **Community Housing Support/Regional Housing Services Office**

Sarah Rhatigan stated that she would be presenting 2 proposals from WAHT, the first of which, funding for community housing staff support and participation in the Regional Housing Services Office ("RHSO"), was a continuation of what the CPA had funded for a number of years. Ms. Rhatigan explained that Liz Valenta, Weston resident and professional housing advocate, had been a member of WAHT but that she had resigned when she became an RHSO staff person because of conflicts of interest. Ms. Rhatigan described an incredible opportunity to have Ms. Valenta become the Town's point person at the RHSO.

Ms. Rhatigan explained that Town Manager Donna VanderClock contracted with the RHSO for a certain number of hours annually and that the RHSO complied with regulatory requirements for monitoring the Town's existing affordable units including verifying income for rental units and setting sales prices for ownership units. While stressing that these services would continue, Ms. Rhatigan explained that the difference in this year's request related to Ms. Valenta becoming the Trust's staff person and a request for an increased number of hours.

The CPC discussed how much of the request related to level service for the RHSO and how much related to increased hours. Barry Tubman noted 20% and 5% increases in the request from FY17 to FY18 and FY18 to FY19, respectively. Ms. Valenta noted that 208 hours had been requested for FY17 and that 265 hours were being requested for FY18. Mr. Wagner asked why the annual request for staff support was not part of the Town's operating budget as the newly created Historical Commission Administrator's position was. Tracey Lembo stated that CPA funds could not be used to "support" the Historical Commission's operations. Ms. Rhatigan highlighted the legislative language (i.e., "support" is permissible only as a community housing activity under CPA) and suggested that community housing is such a specialized area that "support" is as much a part of a community housing program as acquiring a piece of land is a part of an open space program. Ms. Rhatigan maintained that the WAHT needed qualified higher level consulting which expanded RHSO hours could provide.

- **Affordable Homeownership Opportunity Funds**

Ms. Rhatigan reminded the Committee that the WAHT was created by Town Meeting vote in 2012 and that volunteer Trustees were Town residents; that the Trust had the authority to buy, sell, and lease property; and that the Trust was the developer of the Warren Ave. Project. Ms. Rhatigan stated that over the summer the Trust and the Housing Partnership had consolidated in keeping with the recommendations of the Housing Production Plan ("HPP" or "Plan"). Ms. Rhatigan reminded the CPC that the creation of the HPP was a year long process which had resulted in a Plan blessed by the State.

Ms. Rhatigan described the WAHT's role as working to meet the housing goals identified in the Plan, reviewing and advising on Chapter 40B projects (including the Boston Properties and 104 Boston Post Rd. proposals), overseeing the Warren Ave. Apartments, playing a critical role in determining how to leverage public funds for affordable housing, and assisting in the creation of affordable housing that wouldn't happen without a subsidy. Ms. Rhatigan suggested that large projects, such as the Boston Properties and 104 Boston Post Rd. proposals, had significant impacts and that smaller projects, such as the 40B proposed for Merriam St., were denser than the Trust would like to see and provided only a small number of affordable units relative to project size.

Ms. Rhatigan presented a slide showing Weston statistics including a population of approximately 11,200, nearly 4,000 households, a median home price of \$1.2 million, and a housing stock of which 3.7% of the units are affordable as compared to the State's goal of 10%. Ms. Rhatigan suggested that Weston needed more affordable housing to meet the needs of members of the community, to offer housing opportunities to newcomers, and to make steady progress toward the State's 10% goal, which could earn the Town protection against hostile 40B proposals. Ms. Rhatigan presented an excerpt from the HPP which showed that Weston's percentage of affordable housing was lower than any of its neighbors and then displayed before and after photographs of the Water Department Garage which has been converted into 3 units of affordable housing as part of the Warren Ave. Project. Ms. Rhatigan noted that though 5 units in the project had been completed and were occupied, an existing duplex had not yet been renovated and that the WAHT would seek additional CPA funding for the project once a contractor dispute had been settled.

Ms. Rhatigan then described the inspiration for the current request for Homeownership Opportunity Funds as a meeting with Habitat for Humanity of Greater Boston (“Habitat”), a well-funded national group which requires sweat equity of program participants. Ms. Rhatigan indicated that all housing built by Habitat is affordable, that it is not as dense as typical for-profit developments, and that it requires local subsidy since typical land costs ranged from \$100,000 to \$300,000 for a 1 to 4 family lot.

Ms. Rhatigan described the proposed program as having funds in the bank which would allow the WAHT to identify opportunities and perform feasibility analyses on potential sites. Ms. Rhatigan explained that the Trust would acquire a feasible property, develop ground rules for the project (e.g., ideal number of units, siting, setbacks, views), and then issue a request for proposals (“RFP”) for private organizations to develop deed restricted housing to be sold to households whose incomes do not exceed 80% of the area median so that all units would count toward the Town’s 10% affordability goal. Ms. Rhatigan noted that Habitat’s buyers typically had incomes ranging from 60% - 80% of the area median.

Recalling the arguments made in favor of developing Warren Ave. as rental housing, Mr. Houston wondered why the Trust now sought to develop for-sale rather than rental units. Ms. Rhatigan suggested that the economics of smaller rental properties (under 100 units) would ensure that there would be no RFP respondents and that the Warren Ave. model (i.e., the Town developing and managing a small rental property) was not a scalable model unless the Town wanted to create a larger professional management office. Mr. Harrity suggested that Town funds could not be leveraged for small rental developments (e.g., no private developer would invest in a 4 unit rental property) and that the Brook School Apartments (“BSA”) management office, which manages the Warren Ave. property, was nearly at capacity for off-site management. Responding to Mr. Houston’s question of whether the WAHT would develop Warren Ave. in house if given the chance to do it again, Ms. Rhatigan suggested that Warren Ave. would not look the way it does had it not been developed by the WAHT. Ms. Rhatigan noted that affordable homeownership units were opportunity changers and that when owners moved, any windfall would revert to the Town to be used for affordable housing. Ms. Rhatigan also stated that the Trust did not want to waste CPA money on feasibility studies of projects that would not happen. Mr. Newberg noted that the only developer interested in partnering with the Trust used an ownership model. In response to Mr. Houston’s question about which model Weston Affordable Housing Foundation, Inc. (“WAHFI”) followed, Ms. Rhatigan stated that though WAHFI used a rental model, all of its projects were CPA funded on donated land.

In response to Ms. Bent’s question of whether the economics of a rental project would work at a higher income threshold than 80%, Ms. Rhatigan explained that since Weston had essentially no multi-family zoning, some portion of a rental project would have to be affordable to households with incomes at or below 80% of area median income (“AMI”) in order for it to be permitted under Chapter 40B. Ms. Rhatigan also indicated that the economics did not work even with a mix of 80% AMI and market rate units. Mr. Newberg pointed out that projects built on land purchased with CPA funds would have to be 100% affordable. Ms. Bent asked whether the Trust was confident that the homeownership model worked and if the rental vs. home ownership model was a fair comparison. Ms. Rhatigan assured the CPC that the homeownership model worked, and Ms. Valenta noted that, in contrast to the ownership model wherein land would be offered free or at minimal cost to the developer, land could not be offered free in the rental model because of the required CPA deed restriction. Ms. Rhatigan stressed that the Trust could not purchase large enough tracts of land to make the rental model feasible and that she did not believe that the Town would be excited about many 80-100 + unit projects.

Mr. Wagner suggested that the Town was more comfortable with affordable rental projects because of confidence in aesthetics and ownership; Ms. Rhatigan remarked that there were a number of existing affordable home ownership units in Town. Mr. Wagner asked if the Trust's plan was to put 4 units on an acre lot. Ms. Rhatigan explained that though the Trust was looking at developing projects of 2-4 units, the community would have to be on board with this density or the Trust would never receive Town funds again. Ms. Rhatigan stressed that developing design guidelines would be a community effort, that any multi-unit project would require ZBA review through the comprehensive permitting process, and that the Trust was committed to following the recently updated preferences for affordable housing which had been developed several years ago by the Housing Partnership in consultation with a consultant. In response to Ms. Zacharias' question, Ms. Rhatigan indicated that all projects would be friendly 40B's with lots of oversight. Ms. Rhatigan emphasized that in contrast to what would happen during a hostile 40B development, the Trust had presented Warren Ave. to the Planning Board, the Conservation Commission, and the Historical Commission voluntarily on multiple occasions before presenting to the ZBA.

Mr. Ober asked for an example of how the \$950,000 request would be used. Ms. Rhatigan quickly read through slides addressing the steps in the process the WAHT would follow including:

- 1) Identifying potential sites;
- 2) Determining feasibility;
- 3) Negotiating purchase if feasible;
- 4) Developing guidelines with Town and community input;
- 5) Issuing RFPs to non-profit developers;
- 6) Selling the property to the winning bidder with a deed restriction and a grant agreement insuring adherence to design guidelines; and
- 7) Partnering with the owner all the way through lottery/lease up.

Ms. Rhatigan then explained that the cost estimate assumed that the Trust would investigate up to 3 sites before identifying a feasible site to purchase and that pre-acquisition costs would include appraisals, environmental assessments, site planning, and attorney and consultant fees. After noting that the Trust could not pay more than appraised value for a site, Ms. Rhatigan suggested that the amount of money available to the Trust to purchase a property would depend on the amount spent on feasibility. In response to Mr. Ober's question about what happens next, Ms. Rhatigan indicated that RFP respondents would provide information on their organizations and their funding sources as well as construction costs and sales prices. Ms. Rhatigan noted that projects would almost certainly be permitted through Chapter 40B; Ms. Valenta suggested that the Trust was looking to partner with a non-profit developer. Mr. Harrity noted that affordable sales prices were set by the State and that at the current price of approximately \$288,000, only non-profits would bid and no one would pay for the land. Ms. Valenta stated that the program was tailored to Habitat and that other Towns had used this model successfully. Ms. Valenta suggested that the Trust was best suited to this ownership model to complement all the other affordable rental production in Town (e.g., WAHFI, Boston Properties).

Mr. Harrity reiterated that the Trust should expect no payment for the land. Ms. Bent and Mr. Ober clarified that the Trust's request was not for a replenishable fund. Ms. Valenta explained that the total project cost figure of \$2.2 million submitted to the CPC assumed development costs of \$300,000 per unit for 4 units on top of land acquisition costs. In response to Ms. Bent's question, Ms. Valenta and Ms. Rhatigan explained that there would be a negative gap between development costs and sales prices which would be borne by the non-profit developer. Mr. Harrity suggested that developers would request additional Town funding beyond land acquisition costs; Ms. Valenta suggested they would seek other sources of funding.

Ms. Rhatigan introduced the hypothetical situation wherein the Trust purchased a property and no one responded to the RFP for development. After noting that Town Counsel would have to be consulted, Ms. Rhatigan expressed confidence that any deed restriction executed in connection with the purchase could be extinguished so that the property could be sold (at the unencumbered market value) and the sales proceeds paid back to the Trust. Mr. Harrity expressed his belief it would be difficult to garner enough support at Town Meeting to approve the proposal because there were many townspeople who supported the concept of affordable housing as long as it was not sited next door and because this proposal asked townspeople to give up the right to have input into the locations of affordable housing developments. Ms. Rhatigan stressed a process requiring community involvement and the practical matter of the Trust needing the Town's financial support to continue. Ms. Valenta suggested that this model of 2-4 units of community based housing development provided the best chance for the Town to take a leap of faith and fund the Trust to be nimble enough to seize market opportunities.

Mr. Houston suggested formally committing to as many design guidelines as possible (e.g., setback requirements) to help alleviate voter anxiety. Mr. Ober asked whether the Trust's guidelines required consultation with other boards. Ms. Rhatigan stated that the Trust had to advise the BOS before purchasing a property and wondered whether requiring BOS consent would be helpful. Mr. Houston did not think requiring BOS consent would help but again suggested committing to as many parameters as possible. Mr. Harrity recalled his experience as the BOS representative on the HPP Steering Committee and again noted that some people supported affordable housing in general but not particular projects (located near them). Ms. Rhatigan wondered whether the fact that the Trust's general, reasonable request did not have specific adversaries was a positive factor. Mr. Ober wondered whether a general request made everyone an adversary. Ms. Zacharias wondered whether the Town would support any affordable housing beyond that needed to achieve safe harbor under Chapter 40B. Mr. Harrity noted that the Town needed 283 units in the Boston Properties development to achieve safe harbor. Ms. Thompson noted that Wayland had a Habitat project and suggested including pictures of that development in the Town Meeting presentation.

Ms. Rhatigan stressed the need for affordable housing beyond what would be achieved by large rental projects wherein only 25% of the units would actually be affordable. Ms. Rhatigan also noted the requirement that 10% of a community's CPA funds (approximately \$200,000 per year for Weston) had to be spent on community housing annually. Mr. Harrity clarified that the 10% could be set aside for future spending. Mr. Ober noted that more CPA money had been spent on housing to date than on any other category. Mr. Newberg suggested that there were 3, not 4, CPA categories, that the CPC's pie chart was misleading, and that Open Space and Recreation had received the largest share of CPA funding to date. Mr. Ober stated that at 34% of total expenditures, housing had received its fair share in any event.

Mr. Harrity suggested that since Boston Properties might present its proposal at May Town Meeting, the Trust might consider presenting its proposal at a later date. Ms. Rhatigan stated that the Trust would ask for additional funding to complete the Warren Ave. project at November Town Meeting. The CPC discussed its expectation that the Trust would complete the Warren Ave. Project as a way to build credibility before asking for additional funding. Mr. Harrity recalled that the BOS had the same expectation. Ms. Rhatigan explained that the Trust could not ask for additional funding for Warren Ave. until November because a contractor dispute had to be settled first and suggested that many opportunities would be lost if the Trust had to wait another year to request (non site specific) funds. Defending the Trust and the Warren Ave. Project, Ms. Rhatigan stated that despite a terrible contractor, the Warren Ave. Project had been built in a year and that 5 families were living there. Ms. Rhatigan indicated that to the best of her knowledge, there were no other Trusts in Massachusetts which owned, developed, and rented property. Mr. Newberg stated

that the Massachusetts Housing Partnership had used the Warren Ave. Project as an example in a statewide training.

Committee Business

- **Review CPA Fund Projections**

Mr. Ober referred the Committee to 4 handouts relating to CPA Fund projections, 2 Excel spreadsheets and 2 Word documents. Mr. Ober noted that in the fall, the CPC had asked for 2 sets of projections, one cash funding the JST and bonding the Old Library (“OL”) on the theory that the OL could likely garner a 2/3’s vote, and one bonding both the JST and the OL. Mr. Ober drew the Committee’s attention to the Minimized Projection tabs of each spreadsheet. Mr. Ober noted that the CPA Fund balance in FY18 was the same in each scenario because neither the JST nor the OL construction funding was proposed for May. Mr. Ober noted that bonding preserves more cash in early years and that the gap narrows over time. Mr. Ober also noted that almost everything related to projects had changed since the fall. Mr. Ober suggested that the CPC focus on the Word documents explaining changes from the fall and on the Minimized Projection tabs.

Mr. Houston wondered whether there was an easy way to show how percentages invested in various buckets had changed over time. Ms. Lembo agreed to overlay the CPA Fund Projected Expenditures pie chart for the next 5 years over the historical Net Appropriations pie chart.

Mr. Houston reminded the Committee that he had agreed to find out who did the housekeeping on General Fund capital appropriations. Mr. Houston stated that Town Manager Donna VanderClock had confirmed that all appropriations were reviewed as part of the annual budget process. Mr. Houston noted that Ms. VanderClock had explained that residual balances in accounts where expenditures fitting within the original appropriation were anticipated might be kept for some time. Mr. Houston suggested that though there was value in reviewing CPA Fund accounts in a systematic way, it made sense for the CPC to be flexible (e.g., around punch lists). Ms. Lembo noted that all of the sponsors she had contacted had agreed to examine their CPA appropriations and that the Town Vault residual had been returned to the CPA Fund.

Ms. Danforth asked if the Committee would discuss projections at its next meeting. Noting that bonding decisions were not imminent, Mr. Ober again suggested reviewing the Word documents and the fund balance projections. Ms. Bent asked if Mr. Ober had come to any conclusions regarding bonding. Mr. Tubman suggested that bonding preserved the CPA Fund’s cash balance over the short term but depleted it over time. Mr. Ober noted the potential for criticism over preserving a large cash balance. Mr. Ober also noted that with Proctor Field becoming a General Fund request and Wellesley St. proving to be less expensive than originally projected, there was less pressure on the fund balance than what was anticipated 6 months prior.

- **Other Committee Business**

Mr. Ober noted that Ms. Lembo had circulated 3 emails from Brook School Apartments’ neighbors which had been sent after the Elderly Housing Committee (“EHC”) had presented their expansion feasibility proposal to the CPC. Mr. Ober indicated that the next conversation with the EHC should include resident representation and that the CPC should determine what was promised to the neighbors and by whom. Mr. Newberg expressed his personal opinion that the feasibility study should be limited to 14 units to comfort the neighbors. Emphasizing that studying the soccer field was not a significant expense, Mr. Houston suggested that exploration only was not dishonest no matter what promises had been made and that the Recreation (Department) maintained that the BSA soccer field was not much used. In response to Mr. Ober’s question, Mr. Newberg stated that the Trust had unanimously voted to support the EHC’s proposal.

- **Approve Minutes of the CPC Meetings on January 23, 2017**

Mr. Tubman wondered whether questions on the Wellesley St. appraisal had been adequately addressed in the minutes. Ms. Bent argued that the minutes were adequate. Mr. Tubman agreed provided that the Conservation Commission understood what was needed from the appraisal prior to any request for funds to purchase the land.

VOTE: *Mr. Ober entertained a motion to approve the minutes of the CPC meeting on January 23rd as amended. Ms. Bent made the motion, which was seconded by Mr. Newberg. The motion passed unanimously with Ms. Zacharias and Mr. Wagner abstaining.*

- **Other Committee Business (Continued)**

The CPC decided to cancel its February 27th meeting and to include on its March 13th agenda discussions of the rail trail, CPA Fund projections, expanded CPC priorities and bonding criteria, BSA expansion feasibility discussion including the EHC and BSA neighbors, and the restaurant feasibility study.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Tracey A. Lembo
CPC Administrator

Appendix A

**CPC Meeting
February 6, 2017
Document List**

- 1) Weston Rail Trail Advisory Committee:
 - a. Application for \$10,000 in FY17 CPC administrative funds
 - b. Planning for a Mass Central Rail Trail – report by Pam Fox
 - c. Letter from Jack Sands, Chair, Weston Rail Trail Advisory Committee to Tracey Lembo
 - d. Massachusetts Central Rail Trail information
- 2) Josiah Smith Tavern Restoration:
 - a. Josiah Smith Tavern Architectural and Engineering Fees application
 - b. Friends of the JST Proposal (previously circulated)
 - c. Memo from Michele Grzenda to Adrienne Giske dated January 11, 2017;
- 3) Weston Affordable Housing Trust:
 - a. Community Housing Support/Regional Housing Services Office application
 - b. Affordable Housing Homeownership Opportunity Funds application
 - c. Affordable Housing Homeownership Opportunity Funds PowerPoint
- 4) CPA Fund Projections:
 - a. 1-17-17 - OL Bonded – Draft FY18 CPC Spreadsheet
 - b. 1-17-17 - OL Bonded – CPC Spreadsheet Changes
 - c. 1-18-17 – OL and JST Bonded – Draft FY18 CPC Spreadsheet
 - d. 1-18-17 – OL and JST Bonded – CPC Spreadsheet Changes
- 5) Draft minutes of the January 23rd CPC meeting.