

MINUTES OF MEETING
COMMUNITY PRESERVATION COMMITTEE
March 9, 2020
Location: Weston Town Hall

The Community Preservation Committee (the “CPC” or the “Committee”) convened a regular meeting, duly noticed, on Monday, March 9, 2020 at 7:00 p.m. in the Lower Level Conference Room at Weston Town Hall. CPC members present were Stephen Ober, Chair; Barry Tubman; Ken Newberg; Nina Danforth; Nathalie Thompson; Sue Zacharias; and Marcy Dorna. CPC member Steve Wagner was absent. Weston Affordable Housing Foundation, Inc. (“WAHFI”) President Peter Endicott and board members Keith Gross and Tony Nolan were present. Attorney Eric Goldberg of Wilchins, Cosentino & Novins LLP and Birch Lane abutter Andrew Rostami was present. Weston Media Center Videographer Brian Muldoon and CPC Administrator Tracey Lembo were also present.

Steve Ober noted that the meeting was being videotaped and invited public comment.

Public Comment

None.

Applications for May Town Meeting:

- **8-10 Birch Lane (\$1,694,000)**

Peter Endicott reported that WAHFI had not changed the design of the Birch Lane project nor the dollar amount of their request but that they had added a second cost estimate. Mr. Endicott presented a series of photographs of Birch Lane and the project site, reiterated that the project had not changed, and asked for the CPC’s help in answering some important questions. Mr. Endicott then oriented the Committee by presenting an existing conditions plan. Responding to Sue Zacharias, Mr. Endicott acknowledged that both houses would be moved out of the right of way (“ROW”) and identified their current and proposed locations on a site development plan. Mr. Endicott noted that both houses would be sited on a single lot so that they could use a single septic system and that the second lot would be reserved for future use. Mr. Endicott also noted that the neighbors did not support the project because of the potential for an increased number of units. Nina Danforth asked why the houses were built in the ROW; Keith Gross explained that the houses had been built on farmland before the road existed and that when the land was subdivided survey work was done inaccurately. Responding to Mr. Ober’s question, Mr. Endicott and Mr. Gross confirmed that in addition to the 2 homes comprising the subject property, there was 1 other house on Birch Lane. Mr. Endicott recapped that the proposed project consisted of 2 houses on 1 lot with an additional lot reserved for future development and stated that the donor had deed restricted the entire site for affordable housing. In response to Ms. Danforth’s question, Mr. Gross stated that each lot was fully conforming at approximately 1 acre.

Mr. Endicott presented elevations of WAHFI’s proposal noting that the Historical Commission (“HC”) had determined that the buildings were historically significant, a circumstance that had largely driven the decision to move and renovate the existing houses rather than to build new. In an effort to have the historic preservation argument articulated, Nathalie Thompson asked how much of the existing structures were being preserved. Mr. Gross explained that the homes would be gutted and rebuilt but would maintain the character of the existing structures. Ms.

Thompson wondered whether new buildings with the same design could be built at much lower cost. Mr. Gross agreed that they could but stated that this would not satisfy the HC. Ms. Thompson asked what made the gutting and reconstruction of the homes more historic than merely copying their design. Mr. Endicott indicated his agreement with Ms. Thompson's sentiments, expressed confidence in WAHFI's new construction design matching the tone of the existing buildings, and reported that WAHFI was strictly trying to satisfy the HC's desires. Ms. Zacharias asked which existing elements (e.g., siding, windows, interior features) would be preserved; Mr. Gross reported that existing materials were not in good enough condition to reuse, that the original framing and roofs would remain, and that new concrete foundations would replace existing fieldstone. Indicating that the HC had accepted the current plan as a compromise, Mr. Endicott stated that additions would be located in back so that they could not be seen from the road. Ken Newberg asked what the cost delta was between building new and the "so called" preservation. Mr. Endicott reported that he did not know but that a second estimate had confirmed the very large, atypical construction costs. Mr. Ober noted that the second estimate came within \$420 of the first; Mr. Endicott and Mr. Gross suggested that the estimates had been completed independently.

Mr. Endicott acknowledged that the project was very expensive, indicated that WAHFI was grappling with what its obligations were to achieving various goals (i.e., affordable housing and historic preservation), and suggested that WAHFI did not see a way to reduce costs on this project as is. Mr. Endicott then asked, "Is this what we want to do?" and wondered whether the CPC had a per unit cap on investments in community housing. After indicating that he agreed in theory with WAHFI's goals for the project, Mr. Endicott stated that he was not happy with the numbers and that he was looking for guidance. Mr. Ober asked where the idea that the HC might approve some allocation from their bucket to support the project stood. Mr. Endicott reported that the HC, which for the current project was content with WAHFI's best efforts to maintain as much of the property as possible, was not willing to make a commitment from their bucket without a much more aggressive constraint list. Barry Tubman asked what jurisdiction the HC had over the project. Ms. Danforth stated that they could issue a 1 year demolition delay. Mr. Tubman suggested that whether the HC's wishes were merely a desire or an imposed constraint was a material question. Mr. Endicott indicated that he had asked the HC for a vote of support, which they had supplied, and that further approval from the HC was not needed for the project as is but would be for material changes.

Mr. Newberg suggested presenting 2 proposals to the Town (one that preserved the buildings and one with new construction that looked like the old buildings) so that townspeople could see the delta in costs and decide whether it was worth it. Noting that the HC seemed only to be interested in the "look" of the project, Mr. Tubman also wanted to know what the savings would be for new construction. Mr. Endicott reported that the biggest increase in costs over WAHFI's original 2 duplex proposal was related to the change to single family homes and that this change, coupled with difficult site conditions, would lead to greater costs than WAHFI's Pine St. project.

In response to questions from Mr. Ober and Ms. Zacharias, Mr. Gross reported that each nearly 900 square foot, 3 bedroom, turn of the century home would become approximately 1,500 s.f. with the addition of a garage with a bedroom over it. Ms. Zacharias recalled that a couple of years ago the HC had approved the demolition of a historic caretaker's cottage at Pine Brook Country Club and its replacement with an exact replica which had been pre-engineered off site. Mr. Tubman expressed frustration that the HC desired an outcome which increased project

costs but seemed unwilling to fund those increased costs. Ms. Zacharias noted that in the Birch Lane project, the only features to be preserved would be deep in the structure of the houses and never seen. Ms. Zacharias suggested planning for both lots to allay neighborhood concerns but wondered whether a demolition delay would be triggered. Ms. Danforth thought the 1 year demolition delay had already begun.

Mr. Endicott reported that the neighbors were willing to support a maximum of 2 houses of the proposed size on both lots. Ms. Zacharias noted that WAHFI had originally planned for a duplex, which could have the same massing as a single family home; Mr. Endicott explained that the neighbors would not support a project with increased density. Mr. Newberg suggested that if WAHFI sold the property, a 40B of greater density could be built. Mr. Endicott reported that WAHFI could not sell the property per a deed restriction imposed by the donor. In response to Mr. Tubman's question about allowable density, Mr. Gross explained that the property would be developed as a 40B. Marcy Dorna asked if the ROW could be moved. The Committee discussed the width of the ROW. Mr. Endicott indicated that it was at most 10 ft. at present; Mr. Gross reported that it would be increased to 16 ft. to obtain Fire Department and Public Works Department support. In response to Ms. Zacharias' question about ROW control, Mr. Gross noted that only 3 houses were part of the ROW.

Mr. Ober asked what had happened in the 6 weeks since WAHFI had last presented the project to the CPC. Mr. Endicott reported that the HC had supported the project, WAHFI had obtained a second cost estimate, and the project had been presented to the Housing Trust. Mr. Newberg indicated that the Trust was meeting concurrently and would vote on whether to recommend the project. Mr. Endicott asked if CPC members had a cost number which they could support or if they would unhappily allow WAHFI to present the current project to Town Meeting, which he doubted very much would be approved at current costs. Mr. Endicott then asked if the current project *did* pass at Town Meeting, would the CPC fund it. Mr. Ober explained that the CPC had to answer that question before recommending it to Town Meeting. Ms. Thompson thought the project was hard to support because the historic argument seemed weak and because some other large affordable housing projects were anticipated. Ms. Thompson thought townspeople would wonder if the project could be built more cheaply.

Responding to Committee comments and questions about the rationale for moving the homes, Mr. Endicott and Mr. Gross reported that since water seeped into the existing fieldstone basements, they had to be rebuilt. Mr. Tubman suggested that he had not heard a compelling reason for not starting from scratch with an appropriate design. Committee members discussed needing to be convinced of the historic argument. Ms. Danforth noted that the HC only reviewed design. Mr. Endicott clarified that he had pulled back on his request for the HC to cosponsor the proposal since he was worried that the HC would add additional restrictions on materials and construction methods that would further increase costs. Mr. Tubman reiterated that the CPC did not know the difference in costs between the proposed project and a new construction project which looked appropriate. Ms. Zacharias and Mr. Tubman suggested that if the HC did not have jurisdiction over the proposed project (i.e., WAHFI was simply being nice to allow them to weigh in), then it was not worth it. Mr. Gross noted that the HC could speak against the project at Town Meeting, potentially swaying voters. Mr. Newberg again suggested bringing both the current proposal and a new construction proposal to Town Meeting so that voters could choose.

Admitting that he was not particularly sensitive to historic preservation of properties with little

visibility, Mr. Endicott welcomed the Committee's views on the importance of the existing homes. Ms. Zacharias explained that visibility did not impact historic merit. Ms. Danforth suggested comparing the per square foot costs of the proposed project to a new construction project. Noting that constructing 2 reproduction houses was likely to exceed the cost of constructing a new duplex, Ms. Zacharias suggested presenting the former project as a compromise to the HC.

The Committee discussed costs of WAHFI's earlier projects as a frame of reference. Acknowledging the passage of time, Mr. Ober noted that project costs for Birch Lane were projected at 2 – 3 times those of Viles St. (i.e., \$260,000/unit) and Pine St. (\$380,000/unit). Mr. Endicott cited more difficult road and utility issues at Birch Lane than at their other projects. Responding to Mr. Ober, Mr. Endicott indicated that WAHFI could not develop a second option in time for May Town Meeting and again suggested the possibility of presenting the existing project in May with the expectation that it would not be approved. Mr. Ober clarified that the CPC would have to recommend the project to Town Meeting, which it felt it was not in a position to do at this time.

In response to Ms. Dorna's question, Mr. Gross explained that each lot would have its own septic system and that the back lot had been tested and could support a maximum of 6 bedrooms. Ms. Dorna asked about presenting a full proposal to Town Meeting including plans for the back lot. Mr. Endicott explained the evolution of the project beginning with WAHFI's proposal for 2 duplexes which had evolved, at the HC's urging, into renovating the existing homes and adding a duplex on the back lot at a cost approaching \$2 million. Mr. Endicott further explained that this high price tag coupled with neighbors' objections had caused WAHFI to scale back its plans to the current proposal. Ms. Dorna expressed comfort knowing that the back lot could only support 6 bedrooms.

Attorney Eric Goldberg, representing homeowners whose properties formed a horseshoe around the subject property, expressed his clients' support for repurposing the existing homes for affordable housing, notwithstanding some technical concerns which were not within the CPC's purview. Mr. Goldberg stressed that his clients' biggest concerns related to the reserved right to develop the 2nd lot, which he suggested would have enormous impacts including adding impervious area and cars. Abutter Andrew Rostami described difficult site conditions and expressed his opinion that only scaling back the project would produce material cost savings. Mr. Rostami reiterated that the neighborhood's main concern was the potential development of the back lot.

Mr. Ober noted that the CPC's Public Hearing would be held in 2 weeks and asked how the Committee would like to proceed. Ms. Zacharias stated that though she would not be at the Public Hearing, she believed that the project had too many unknowns to support. Mr. Tubman concurred. Mr. Newberg stressed the importance of understanding the costs associated with the historic preservation aspect of the project. Indicating that the CPC needed more information to make an intelligent recommendation to the Town, Ms. Dorna suggested identifying what the HC wanted to preserve with the HC's guidance and putting a price tag on that preservation. Ms. Thompson agreed that the CPC needed to see the price differential between rehabilitation and new construction and noted that the HC would have to make a strong case if that differential was large.

Ms. Dorna suggested clustering all 12 bedrooms (i.e., the 2 existing homes plus the planned

duplex) in the center of the 2 lots to preserve more open space and to address some of the neighbors' concerns about screening and privacy. Mr. Endicott reported that any development of the 2nd lot would make the neighbors unhappy. Mr. Ober asked if Ms. Dorna's suggestion had any bearing on the advancement of the current proposal. Ms. Zacharias again indicated that the CPC did not have enough information to make a decision. In response to Mr. Ober's question, Mr. Goldberg indicated that the neighborhood would oppose any project that included the potential for future development. Mr. Tubman listed 3 problems with the project: 1) price tag, 2) an unclear historic component, and 3) abutters' opposition. Mr. Rostami clarified that the neighborhood's opposition to the project was due to scale, not uncertainty (i.e., they would oppose any 12 bedroom project). Mr. Goldberg indicated that the development of the rear lot introduced a number of technical concerns which were not associated with the current proposal, and noted that the ZBA would not vet the technical implications of a future proposed leaching field on the back lot until plans and specifications were drawn up.

FY20 Administrative Application:

- **Housing Production Plan (\$30,000)**

Mr. Ober reported that the CPC had received an application for administrative funds to complete a Housing Production Plan ("HPP"). Mr. Ober recalled that at its last meeting the CPC had discussed guidance from the State indicating that funding for HPPs should come from the administrative reserve and had encouraged an administrative request. Mr. Ober noted that the CPC's administrative budget had not changed since the last meeting. Mr. Newberg reported that both the Trust and the Select Board had voted to request administrative funds to prepare the HPP and noted that the Town Manager was prepared to begin the project almost immediately.

VOTE: Mr. Ober entertained a motion to approve \$30,000 in FY20 CPC administrative funds to complete a Housing Production Plan. Mr. Newberg made the motion, which was seconded by Ms. Thompson. The motion passed unanimously.

Fall Town Meeting:

- **CPC Schedule**

The Committee agreed on an application deadline for fall 2020 Town Meeting of Tuesday, September 15th and on the following fall meeting schedule:

- 1) Monday, September 21st at 7 p.m.;
- 2) Monday, October 5th at 7 p.m. (or September 28th if October 5th conflicted with a Town event);
- 3) Monday, October 19th at 7 p.m.; and
- 4) Monday, October 26th at 7 p.m. (Public Hearing).

Approve Minutes of the CPC Meeting on February 10, 2020

VOTE: Mr. Ober entertained a motion to approve the minutes of the CPC meeting on February 10, 2020 as amended. Ms. Zacharias made the motion, which was seconded by Ms. Dorna. The motion passed unanimously.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Tracey A. Lembo
CPC Administrator

Appendix A

**CPC Meeting
March 9, 2020
Document List**

- 1) 8-10 Birch Lane:
 - a. Application
 - b. Presentation
- 2) Housing Production Plan - FY2020 Administrative Fund Application
- 3) Proposed Fall 2020 CPC Meeting Schedule
- 4) Draft Minutes of the February 10, 2020 CPC Meeting