

Date: April 8, 2008

From: Joseph T. Maguire, Chairman  
Community Preservation Committee (CPC)

Cc: William W. Durkee Jr.  
CPA Program Manager

Subject: Minutes of April 8, 2008 CPC Meeting

A. Called to Order 7:30PM

B. Roll Call

Present: Joseph Salvo (Clerk of the CPC), Carl Zinnell, Richard Pizzi Jr.,  
Joseph T. Maguire, Scott Hovsepian.

C Minutes of CPC March 18 CPC Meeting.

Chairman Maguire noted that the minutes were prepared with details to assist the CPC to take act on the Applications on the Agenda. A motion was made by Joe Salvo, second by Scott Hovsepian to accept the minutes, and passed unanimously.

D. Announcements.

(1) Next CPC Meeting. Chairman Maguire noted that a CPC Meeting is needed to act on the Third and final round of Applications before the Summer break of the Council. A Motion was made by Rick Pizzi, second by Carl Zinnell to set the date of May 13, 7:30 PM in the City Council Chambers and passed unanimously.

(2) Program Manager Durkee.

(a) Status of the Application of Waltham Public Library. After review by the Law Department the Recommendation will now go to the Council April 9.

(b) Status of the Application of Planning for 901 Moody St.. The Law Department review raised a question of a deed restriction which is being explored and will delay the Recommendations return to the LTDC.

(c) Status of the Application from WATCH, 2 Jackson St.. It was announced today that WATCH has entered into a Purchase and Sale Agreement with the owner. The owner will now apply for a variance on the property.

(d) Environmental Bond Bill Status. In a correction, the status of the rally in favor of passage will be held April 9 at the State House. Audubon stated it would provide \$50,000,000 for five years for environmental purposes. This may affect CPA projects.

#### E. Correspondence.

(1) Application of George Darcy - 1433R Trapelo Rd. Filed at the CPA Office.

(2) Application of Sally Collura - Elm St. Railroad Spur Filed at the CPA Office.

(3) Intent to file Application for Piety Corner Club. The Program Manager noted he was a Board Member of the Club but had recused himself there to avoid any discussion of the Application details, and asked the CPC to make the review with this knowledge.

#### E. Old Business

(1) Actions on Second Round Application Hearings.

Program Manager Durkee distributed a spreadsheet "scorecard" to the CPC to track each action on each Application as it appeared on the Agenda.

#### I. HOUSING

##### **Waltham Housing Authority – (also Historic Preservation) – 101 Prospect St. \$517,500**

WHA Executive Director Walter McGuire. A State architect visited and recommended repair of the structure and suggested alternatives and estimated costs for slate or synthetic slate at a total cost of \$517,500. Mr. Bennett of the Waltham Historical commission also provided an historical architect who thought restoration without total replacement of the slate was feasible but there was structural damage and existing leaks. The suggested approach is to hire a design and engineering professional to provide firm alternate costs the project to stop the leaks and restore the historic roof. The cost estimate for an architect is \$45,500 to include testing and the engineering through its finish. The Program Manager stated there are no changes in the eligibility for the structure as Historic Restoration or for Housing Support. A motion was made to approve the \$45,500 by Scott Hosvepian seconded by Joe Salvo and passed unanimously.

Chairman Maguire pointed out that the path of all Recommendations would change from the previous procedure and would go to the Law Department next for review before going to the Council.

#### II. OPEN SPACE

**a1. Waltham Planning Dep't. (WPD) 131-151 Moody St. \$20,000 CPA**

**a2. Sally Collura, (Councillor at Large) 135-139 Moody St. \$400,000 CPA**

The Program Manager stated that the Planning Dep't Application for the funds was eligible for the Appraisal and 21E Environmental Hazardous studies under Acquisition, Rehabilitation and Restoration aspects of the CPA, and Sally Collura's Application the same and additionally for the Creation of the Open Space Recreation goals expressed.

Ted Fields of Planning provided a site map. A motion was made by Joe Salvo for approval of the \$20,000 Planning request and encumbrance of the balance until the hazard assessment and value appraisal are completed, second by Scott Hovsepian, and passed unanimously.

**b1. Waltham Planning Dep't. (WPD)/Patrick O'Brien - Wayside Rail Trail  
\$2,700,000 CPA**

**b2. Patrick O'Brien, (Councillor at Large) - Wayside Rail Trail - \$1,000,000  
CPA**

The Program Manager stated the Application from the Planning Dep't now joined with the Application of Patrick O'Brien is allowable within the CPA rules for Open Space and Open Space Recreation. Ted Fields of Planning agreed that the updated request from the March 18 meeting for \$150,000 for the Environmental Hazards assessment was suitable. Chairman Maguire reminded the CPC that the Rail Trail project may become a bond issue and leaving as much of the cost as possible for bonding is desirable. On a Motion from Joe Salvo, second by Scott Hosvepian, that the Recommendation be made for \$150,000 for the Environmental study, with the remainder to be tabled, passed unanimously.

**c1. Waltham Land Trust. (WLT) - Hardy Pond Lands II - \$462,000 CPA**

**c2. Ed Tarallo, Councillor Ward 2 - Hardy Pond Lands I - \$392,000 CPA**

The Program Manager noted that this Application has progressed but is complicated and unclear on responsibilities of the parties. Chairman Maguire requested that the Land trust meet with the Conservation Commission to review details and responsibilities. Marc Rudnick of the WLT has contacted Chairman Maguire, who also is a member of the Conservation Commission, to set up the meeting to include at least four interested parties to include Ed Tarallo and George Darcy. The Motion was made by Scott Hosvepian, second by Rick Pizzi Jr., to table the Application pending the results of the meeting, and it passed unanimously.

**d. Walter E. Ohnemus, Inc. – 81 Arcadia Ave. - \$205,100 CPA**

The Program Manager noted that both the Applicant and Ward Councillor are present. Per previous Recommendations there is no City Department yet to adopt this Application as a project co-applicant. The Ward Councillor may inform the CPC as to the neighbors desires. The Application is eligible for CPA spending as Open Space and Open Space Recreation.

George Darcy, 93 Hobbs Rd., Councillor Ward 3 described the parcel as a small lot in a quiet neighborhood. He favors the protection of the lot for all citizens of Waltham, and requested a professional appraisal. The abutting parcel was skived from the Met State properties, then transferred to the DCR and made part of the 230 acre Beaver Brook North Reservation. It is not part of Waltham's 55 acre parcel on Trapelo Rd. from the Met State. The neighbors wish to keep the lot Open Space in perpetuity.

On a question regarding eligibility for funding an appraisal, the Program Manager indicated that it was allowed within the CPA as long as the final use of the land was within the CPA limits of Open Space or Open Space Recreation. Further, the City might have the ability to do more on the land if it acquired it without the restrictions imposed by the CPA, for example parking.

To Mr. Pizzi 's question regarding a previous Application on Crescent St., the appraisal came as part of the Application which is not the case here. The Crescent St. Application included the assessed value and the additional costs. Mr. Robert Logan, in the audience, volunteered that every acquisition by the City required an appraisal.

Walter Ohnemus, 32 Cowasset Lane, volunteered at his cost an appraisal and any soil testing in his Application cover letter. In the CPA PLAN Application information he didn't see any requirement for a City co-applicant and believes the City can direct a Department to implement the project. He concurred with Mr. Darcy's assessment of the neighbors wishes to keep the parcel for Open Space and Open Space Recreation. He indicated that is why the Application avoided unwanted uses such as affordable housing.

Carl Zinnell made a Motion to approve the amount in the Application, \$205,100. Mr. Ohnemus offered to accept no more than the Application amount if the appraisal was higher, and would accept a lower amount if that was the appraised value. Chairman Maguire stated that the appraisal would need to be done by the Mayor's office, probably through the Law Department. The Motion was second by Rick Pizzi to encumber the amount of \$205,100, until the results of the appraisal, and passed unanimously.

**e. Waltham Planning Dep't. (WPD) - 370 Prospect Hill Rd. - \$45,000 CPA.**

The Program Manager reiterated that this Application is cleverly written but does not appear to fit any CPA definition and is ineligible for funding. The City Planner, Alison Steinfeld for this project has moved on and no one at the meeting to represent the Applicant. A Motion to deny was made by Scott Hovsepian, second by Carl Zinnell, and passed unanimously.

### **III. HISTORIC**

**a. Waltham Planning Dep't. (WPD) – Paine Estate Landscape – (also Open Space) \$61,000 CPA.**

The Program Manager noted that this Application is for a study. The Coalition has determined that unless a project is definitely appropriate as a CPA project, it cannot be eligible for CPA grants. This Application has about seven parts which are distinct and need to be addressed separately. There was no part which could be determined yet as eligible where a value could be set. Additional information was distributed as prepared in defense of the total Application referring to the Secretary of the Interior Standards which

are mentioned as an acceptance criterion in the CPA. Without further information the Program Manager was not able to make a Recommendation.

Ann Clifford, Planning Dep't, Curator. She acknowledged controversy exists about the driveways, but the CPA is clear in that it allows Rehabilitation and Restoration of Historic resources. This is a project of Rehabilitation. The CPA definition of Rehabilitation includes the U.S. Secretary of the Interior Standards, and the 41 pages were included. Reading from the definition the Curator interpreted that it allows modernization, additions and repairs while respecting the historical integrity of the site. The first phase is documentation research. The research since 1992 shows the exact plans for the layout, with letters between Olmstead and Richardson, and photographs. There is an existing Master Landscape Plan and Report. Now the landscape will be brought back to its original design.

Chairman Maguire noted that previous Applications used Rehabilitation as the necessity to make the Estate useable under Building Codes such as for the handicapped elevator, and questioned which Codes were involved in the landscape design. For example the request for street lighting from the parking area would be eligible if there was a Code violation. Mrs. Clifford stated that the Application was for a study to determine whether there were Code violations. The Chairman indicated that the Code violation needs to be known before the study approval.

Carl Zinnell noted the Application was divided into an entranceway portion and the drives, and asked whether there was a way to separate the landscaping from the rest of the study. He further noted there was no electrical services when the house was built and therefore can't be restored. Mrs. Clifford noted there was electric service. The study is to prepare the construction documents including detailed plans and specifications. In answer to his question, the Program Manager cited a visit to the Estate with the esteemed electrical expert Chairman Maguire. As an example the remains of two electrical lamps on two trees which lead to the former house to the North. But, there needs to be a design of the former layout of the electrical service and of the lights. There were no known lights from the modern parking lot area. The advice of the Program Manager is to vet each segment to determine what is eligible. Two Code of Federal Regulations have different numbers in the additional information which were said to be the same by Mrs. Clifford. Mr. Salvo asked whether the Law Department had voiced their opinion yet, and the Program Manager indicated the segments of the Application had not been studied yet in either the CPA or Law Offices. Mrs. Clifford had not spoken with the Law Department. Carl Zinnell expressed his thought that the electrical segment should be separated from the landscaping, and the Program Manager noted landscaping covered several segments of the Application. On the basis that the Law Department would determine whether the study was eligible, Mr. Salvo made a Motion to approve \$45,000, second by Scott Hovsepian, and passed unanimously.

**(c.) Robert Logan (Councillor Ward 9) – Martyn Sq. Fountain – \$40,000 CPA.**

The Program Manager stated that the Application was eligible, but the details needed. A City co-applicant is needed in order to develop the actual cost and provide future maintenance, such as the Building or Planning Departments, or the Recreation Board.

Mr. Logan said the Planning Department had allocated \$20,000 in Block Grant funds for the restoration previously. However, HUD would not allow it as Cronin's Landing skewed the income in the Census Block above the acceptable level for an area of low to moderate income residents. The Planning Department did develop a cost of \$40-50,000 to uncover the rocks on top of the granite base and determine what remains of the fountain. No photographs or drawings are known. The funds would be used to assess the fountain and the utilities as well as any restoration. A Motion for approval of the \$40,000 was made by Carl Zinnell, second by Rick Pizzi, and passed unanimously.

**(d.) Waltham Historical Society/ Building Dep't – 92 Felton St. – \$250,000 CPA.**

The Program Manager indicated that all of the Application elements requested could be eligible but some details of proof were lacking which would show their historical nature. The Society noted that they have an Agreement with the City to complete the cleaning before their Board will accept the building.

Waltham Historical Society (WHS) represented by Wayne McCarthy and Sheila FitzPatrick co-Presidents. Mr. McCarthy reiterated previously described benefits to the community and the collections of the Society. The Society responded to a RFP about one year prior and it was approved by the Council and sent to the Mayor. The Society is now waiting for the 10 year lease which would then need approval of the Society members. The building has been improved for tenancy but is not quite ready. A "Projected Reuse" handout was distributed showing clean-up progress on the structure to date, the historical significance of the building, and the Society intentions as the lessee. Any delay beyond this date would possibly create a delay until September. Chairman Maguire pointed out that the CPC would have a mandatory Public Hearing in July and could include any actions on that date.

Carl Zinnell pointed out that any changes in the structure of the building should be made with the approval of the Historical Commission.

A Motion was made by Scott Hosvepian, second by Carl Zinnell, to table until the next meeting to clarify the lease issue, and it passed unanimously.

**(e.) Building Dep't – Elevator – 25 Lexington St. – \$275,000 CPA.**

The Program Manager described the Application as eligible within the scope of the CPA to Preserve, Rehabilitate or Restore Historic buildings. Rehabilitation includes an eligible Handicapped Accessible elevator.

Ralph Gaudet, Building Commissioner, Bob Como – Maintenance Supervisor. Mr. Gaudet stated that the elevator will serve the Waltham Museum, municipal offices and the Wires Department. The plans were presented to the CPC.



A Motion was made by Carl Zinnell, second by Richard Pizzi for \$275,000 and was passed unanimously.

**(f.) American Legion Post #156 – 215 Waverley Oaks Rd. – \$275,000 CPA.**

The Program Manager noted that the requested additional information that indicates the Legion Post does have the funds to finish the project in the Application if granted the amount requested was included with the packet for the evening. Further that Mr. Archie Bennett of the Waltham Historical Commission did find that the building is eligible for inclusion in the National Register of Historic buildings and is historically significant in the City. The Fire Chief has also stated this building and other older buildings including the Paine Estate should be protected and brought to Code as soon as possible.

Commander William Mulcahy and Senior Vice-Commander David Yarnick, appeared in place of Nancy Hancock, Manager of the Legion Post, who is ill. No changes in the Application since Nancy's last additions were known.

Chairman Maguire noted that the building was acquired by the Post for \$1, and will be returned to the City if the Post leaves, and is currently valued at about \$3,500,000. A Motion was made by Scott Hosvepian, second by Carl Zinnell, to approve the amended Application for \$91,536 and passed unanimously.

**F. For the Good of the Committee.**

Next CPC Meeting. Chairman Maguire noted that the next CPC Meeting is May 13, 7:30 PM in the City Council Chambers.

**G. Adjournment.**

A Motion by Joseph Salvo and seconded by Scott Hosvepian to adjourn was accepted by voice vote without objection at 9:00 PM.

Joseph T. Maguire, Chairman  
For the Community Preservation Committee